

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Tuesday, the 30th January 1923, the hon. Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR Avargal, K.C.S.I., C.I.E., President, presiding.

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No. 15—*

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions, and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Nominated Indian Christian members in municipal councils, etc., in the Tanjore, etc., districts.

710 Q.—MR. S. ARPUDASWAMI UDAYAR : Will the hon. the Minister for Local Self-Government be pleased to lay on the table a statement showing the number of Indian Christians nominated to the municipal councils and local boards in the districts of Tanjore, Trichinopoly and Madura, and the proportion of Roman Catholic members to the other nominated Indian Christian members on each council and board ?

A.—A statement showing the number of Indian Christians (Protestants and Roman Catholics) nominated to the district boards, taluk boards and municipal councils in the districts of Tanjore, Trichinopoly and Madura is placed on the table.*

Conference of jemmies and tenants of Malabar.

711 Q.—MR. A. D. M. BAVOTTI SAHIB : Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that a conference of jemmies and tenants of Malabar was held at Madras on 1st November 1922 at the invitation of His Excellency the Governor ;

(b) who were invited for the conference ;

(c) who was responsible for the selection of the members and what were their qualifications to speak on behalf of the party represented by each ;

(d) whether Mr. T. A. Kallianakrishna Ayyar, High Court Vakil, was one of those invited ; if so, on whose behalf he appeared and whether he produced a vakalat ;

(e) whether the representative of the Malabar landholders in the Legislative Council was invited ; if not, why not ;

(f) what the travelling allowance drawn by each of the members was ;

(g) whether any compromise was arrived at as a result of the conference ; and

(h) if so, what ?

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A.—(a), (c), (d), (e), (g) & (h) His Excellency the Governor invited a number of gentlemen from North and South Malabar to discuss informally the problem of land tenures in Malabar. There was no question of compromise. The gentlemen invited were selected with a view to elicit opinion from the point of view of the jemmies, kanamdars and verumpattamdars. Mr. Kalyanakrishna Ayyar was allowed to be present.

(b) The names of the gentlemen invited are appended.*

(f) The Government have no information.

Grant of land to non-Hindu depressed classes.

712 Q.—Khan Sahib Munshi MUHAMMAD ABDUR RAHMAN SAHIB: Will the hon. the Home Member be pleased to state—

(a) what classes of persons are included in the term 'depressed classes' ;

(b) whether Dodekulas, Noorbash and other non-Hindus also come under the category of depressed classes ; and

(c) what are the arrangements made to grant lands to the poor classes of people detailed above ?

A.—(a) The attention of the hon. Member is invited to the press communiqué in G.O. No. 559, Revenue, dated 8th March 1920.

(b) The answer is in the negative.

(c) No special arrangements are made.

Depressed classes representation in the Chidambaram taluk board.

713 Q.—Rao Bahadur M. C. RAJA : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the number of nominated members in the Chidambaram taluk board, and how many of them are non-Brahmans ;

(b) whether it is a fact that there is no representative of the depressed classes in the Chidambaram taluk board ; and

(c) why no representative of the depressed classes has been nominated to the said board ?

A.—Members of taluk boards are appointed by the President of the District Board. The hon. Member may address the President in the matter.

Depressed classes representation in the Chingleput taluk board.

714 Q.—Rao Bahadur M. C. RAJA : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the number of nominated members in the Chingleput taluk board, and how many of them are non-Brahmans ; and

(b) whether there is no representative of the depressed classes on this board, and why ?

A.—Members of taluk boards are appointed by the President of the District Board. The hon. Member may address the President in the matter.

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Depressed classes and Muhammadans in the Madurantakam union board.

715 Q.—Rao Bahadur M. C. RAJA : Will the hon. the Minister for Local Self-Government be pleased to state—

(1) whether there is a member of the depressed classes on the Madurantakam union board ; if not, why not ;

(2) whether there is a member of the Muhammadan community on the Madurantakam union board ; if not, why not ; and

(3) whether it is a fact that the Muhammadan community of Madurantakam union petitioned the presidents of taluk and district boards to appoint one Mr. Haidar Shariff Sahib ; and the reason why this mahazar was rejected and a member of the Vannia community was nominated ?

A.—Members of union boards are appointed by the President of the Taluk Board. The hon. Member may address the President in the matter.

Nomination of Mr. Kumaraswami Mudaliyar to Chingleput taluk board.

716 Q.—Rao Bahadur M. C. RAJA : Will the hon. the Minister for Local Self-Government be pleased to state—

(1) how long Mr. M. M. Kumaraswami Mudaliyar has been a member of the Chingleput taluk board ;

(2) whether he was a candidate for the Manamathi circle during the last taluk board election and whether he was defeated ; and

(3) whether Mr. M. M. Kumaraswami Mudaliyar has been nominated to the Chingleput Taluk Board ?

A.—(1) & (2) The Government have no information.

(3) Members of taluk boards are appointed by the President of the District Board. The hon. Member may address the President in the matter.

Moslem representation in the City Police.

717 Q.—Khan Bahadur MUHAMMAD SADULLA BADSHA SAHIR : Will the hon. the Law Member be pleased to state with reference to the answer given to supplementary question to original question No. 163, asked by me at the meeting of the Legislative Council held on the 13th September 1922, whether there are not any qualified Muhammadans in the City Police for appointment as police inspectors, in the City ?

A.—The question cannot be considered until there is a vacancy. When there is a vacancy the Commissioner will no doubt select the best man.

Papanasam reservoir project.

718 Q.—Mr. S. T. SHANMUKHAM PILLAI : Will the hon. the Law Member be pleased to state whether any report has been received from the Collector of Tinnevely with reference to a conference held by him in February last of the interested ryots for discussion of an important and long contemplated irrigation project generally known as the ' Papanasam reservoir project ' in the Tambraparni river, and with what result ?

A.—No such report has been received.

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Re-arrangement of circles in the Public Works Department.

719 Q.—MR. P. SIVA RAO: Will the hon. the Minister for Education and Public Works and the hon. the Law Member be pleased to state—

(a) whether the third circle of the Public Works Department comprising the Ceded districts and Chittoor has been abolished; if so, what were the reasons which led to the abolition;

(b) whether the Tanjore and the South Arcot districts now comprised in the fifth circle have been tacked on to the other circles and the Madras city and the Chingleput districts have been added to the present third circle and the Madras City is made the headquarters of the newly-reconstituted third circle and Bellary has, therefore, ceased to be the headquarters;

(c) whether it is a fact that a building was recently purchased at a cost of about Rs. 20,000 for the quarters of the Superintending Engineer at Bellary, what the Government propose to do with it in future;

(d) whether the Government recognize that the Ceded districts are famine-stricken and always require a Superintending Engineer in their midst for the promotion of irrigation and other protective schemes in them and whether the Chief Engineer cannot be placed in direct charge of the works in the City of Madras;

(e) what the Government propose to do with the disbanded establishments attached to the Superintending office at Bellary; and

(f) whether the question of the reorganization of the Circles (Public Works) was placed before the Standing Committee (Public Works) and their sanction obtained to the new scheme; if not, whether the Government intend consulting the Standing Committee in the matter?

A.—(a) The III Circle has not yet been abolished, but it has been decided to do so as a measure of retrenchment owing to the present financial stringency and effect to this decision will be given shortly.

(b) On the abolition of the present III Circle of superintendence with headquarters at Bellary, the divisions now in that Circle, viz., Bellary, Kurnool and Madanapalle divisions, will form part of the present V Circle of superintendence with headquarters at Madras. The Cauvery and the Vennar divisions now in the V Circle will be transferred to the present VI Circle and the South Arcot division of the V Circle will be transferred to the present IV Circle.

(c) The Superintending Engineer's residence at Bellary was purchased in 1911 at a cost of Rs. 19,000. On the abolition of the III Circle, the residence will be allotted to some other Government officer in the locality who is in need of quarters.

(d) The Government are aware that the Ceded Districts are subject to famine conditions, but they do not consider that a special Superintending Engineer is necessary for these districts only. When, however, famine works on a large scale are started there with special subdivisions or divisions, the question of posting a special Public Works Department officer to supervise them will be considered.

The Government do not consider the proposal to place the works in the City of Madras under the Chief Engineer feasible.

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- (e) Every endeavour will be made to provide the discharged men with suitable employment elsewhere. Such of those as cannot be provided with employment will be retired in accordance with the rules in the Civil Service Regulations.
- (f) The question of the redistribution was not placed before the Public Works Department Advisory Committee as the Government did not consider this necessary.

Election of district board presidents.

720 Q.—Mr. P. SIVA RAO: Will the hon. the Minister for Local Self-Government be pleased to state whether the Government intend to confer on any district board or boards the franchise of electing its or their own president; and if so, which of them?

A.—The Government do not propose to issue any general order at present. Applications received from individual boards will be considered on their merits.

Alleged famine conditions in Anantapur district.

721 Q.—Mr. P. SIVA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Revenue Divisional Officer of Penukonda framed certain charges against the village officers of Agali in the Madakasira taluk for inducing ryots to put in applications for takkavi loans and for making certain alleged false reports as to the prevalence of famine conditions in their villages; and called upon them to appear before him on 29th November 1922 and show cause why they should not be punished; what has been the result of these proceedings; and whether the Government will be pleased to call for the papers and lay them on the table of the House;

(b) whether there is any difference on the question of the existence of famine conditions between the Revenue Divisional Officer and the Local Member of the Legislative Council Mr. T. Sivasankaram; and

(c) whether the Government propose to order an independent inquiry in the same matter?

A.—(a) The Government understand that the Revenue Divisional Officer took proceedings against certain village officers whom he suspected of inducing ryots to take loans with the object of taking commission and that the proceedings have been subsequently dropped. The Government do not think that any useful purpose will be served by calling for the papers and laying them on the table.

(b) Yes.

(c) A resolution on the same matter has been tabled and the Government will explain their attitude when that resolution is discussed.

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Memorials from the compounders of the Presidency.

722 Q.—Diwan Bahadur T. N. SIVAGNANAM PILLAI : Will the hon. the Minister for Local Self-Government be pleased to state whether the Government have received any memorials from the compounders in the Presidency with reference to G.O. No. 519, P.H., dated 6th April 1922, and if so, what orders they have passed thereon?

A.—The answer to the first part of the question is in the affirmative.

The Government have declined to comply with the requests contained in the memorials.

APPENDIX A.

[Vide answer to question No. 710 asked by Mr. S. Arpudaswami Udayar at the meeting of the Legislative Council held on the 30th January 1923, page 1363 supra.]

Statement showing the number of Indian Christians (Protestants and Roman Catholics) nominated to district boards, taluk boards and municipal councils in the districts of Tanjore, Trichinopoly and Madura.

Name of the local boards.		Total number of Christians.	Protestants.	Roman Catholics.
<i>Tanjore District.</i>				
Tanjore District Board	...	2	Nil.	2
Nannilam Taluk Board	...	1	Nil.	1
Pattukkottai do.	...	1	Nil.	1
Tiruturaipundi do.	...	1	Nil.	1
Mannargudi do.	...	1	Nil.	1
Kumbakonam do.	...	1	1	Nil.
Negapatam do.	...	2	2	Nil.
Tanjore Municipal Council	...	3	Nil.	3
Kumbakonam do.	...	1	1	Nil.
Negapatam do.	...	1	1	Nil.
Mayavaram do.	...	1	Nil.	1
Mannargudi do.	...	1	1	Nil.
<i>Trichinopoly District.</i>				
Trichinopoly District Board	...	1	Nil.	1
Lalgudi Taluk Board	...	1	1	Nil.
Perambalur do.	...	1	Nil.	1
Trichinopoly Municipal Council	...	2	1	1
<i>Madura District.</i>				
Melur Taluk Board	...	1	1	Nil.
Usilampatti do.	...	1	1	Nil.
Dindigul do.	...	1	1	Nil.
Madura Municipal Council	...	1	1	Nil.
Dindigul do.	...	2	1	1
Periyakulam do.	...	1	1	Nil.
Bodinayakanur do.	...	1	1	Nil.
Palni do.	...	1	1	Nil.

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APPENDIX B.

[Vide answer to question No. 711 asked by Mr. A. D. M. Bavotti Sahib at the meeting of the Legislative Council held on the 30th January 1923, page 1364 supra.]

1. The hon. the Raja of Kollengode.
2. M.R.Ry. K. K. R. Kavalappara Muppil Nayar Avargal, M.L.A.
3. „ C. G. Gopalan Nayar Avargal, Chairman, Tellicherry Municipal Council.
4. „ Diwan Bahadur M. Krishnan Nayar Avargal, M.L.C.
5. „ Kottieth Krishnan Avargal.
6. „ Rao Bahadur P. Raman Avargal, retired Sub-Judge.
7. „ P. A. Krishna Menon Avargal, Vakil.
8. „ K. P. Raman Menon Avargal.
9. „ K. Srinivasa Rao Avargal, Estate Collector.
10. Mr. R. H. Ellis, I.C.S., Collector of Malabar.
11. M.R.Ry. C. Ramalinga Reddi Garu, M.L.C.

II

PETITION TO THE COUNCIL.

Diwan Bahadur R. VENKATARATNAM NAYUDU :—“ Mr. President, I beg leave to present a petition to the hon. the President and the Members of the Legislative Council. The petition relates to a subject now under the consideration of the Council, viz., the Bill to provide for the reorganization of the Madras University. It has been signed by about 80 persons residing in different parts of the Presidency, from Ganjam to Trichinopoly. The signatories include Principals of several colleges, viz., the Kallikota College, Berhampur, Raja's College, Parlakimedi, Maharaja's College, Vizianagaram, Pittapur Raja's College, Cocanada, Noble College, Masulipatam, Venkatagiri Raja's College, Nellore, St. Joseph's College, Bangalore, Voorhees College, Vellore, and St. Joseph's College, Trichinopoly. Besides these Principals, Sir, the staffs of most of these colleges have also affixed their signatures. The main point is the apprehended subordinate position, in importance and usefulness, that will inevitably be assigned to the mufassal colleges under the new Bill, if passed into law. The petitioners submit that, unfavourable as has been the position of the mufassal colleges already, it is going to be made worse under the Bill, but they feel that their fears might be allayed by introducing into the Bill now under consideration certain modifications which they have suggested in the memorial. They conclude their petition with a prayer that their appeal may elicit all the sympathy and all the response which it abundantly merits—a request which I beg leave to repeat.

“ Just one word more, Sir. The signatures are contained in different copies of the same petition as they were got from different stations; and, if that be an irregularity, I request that it may be condoned. I have given them in as they are. Possibly some more signatures will be coming in and, with your permission, Sir, I shall submit them later. With these words, I beg to present the petition to the House.”

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III

ACT ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

The hon. the PRESIDENT :—" I have to inform the House that the Malabar (Completion of Trials) Act, 1922, received the assent of His Excellency the Governor-General on the 17th January 1923."

IV

COMMUNICATION TO THE COUNCIL.

The SECRETARY laid on the table the report of the Famine Code Revision Committee.*

V

'CONGESTION OF NON-OFFICIAL BUSINESS' COMMITTEE.

The SECRETARY laid on the table the report of the Committee appointed by the hon. the President to consider and report on the question of remedying the congestion of non-official business in the Council.

To
THE HONOURABLE THE PRESIDENT OF THE MADRAS LEGISLATIVE COUNCIL.

We, the undersigned members of the Committee appointed at the meeting of the Council held on 22nd December 1922 to consider and report how far the present congestion of non-official business in the Council can be remedied, have the honour to submit the following report.

The Committee met in the Committee room of the Legislative Council at 3 p.m. on Saturday, the 23rd December 1922, and again at 11 a.m. on Tuesday, the 9th January 1923. The following members were present :—

First meeting.

- (1) M.R.Ry. Diwan Bahadur P. Kesava Pillai Avargal (Deputy President and Chairman).
- (2) " " Sir T. Desika Achariyar Avargal.
- (3) The Rev. W. Meston.
- (4) M.R.Ry. M. Ratnaswami Avargal.
- (5) The hon. the Raja of Panagal.
- (6) M.R.Ry. Rao Bahadur T. A. Ramalinga Chettiyar Avargal.
- (7) " C. Ramalinga Reddi Garu.
- (8) " O. Tanikachala Chettiyar Avargal.
- (9) " P. T. Rajan Avargal.
- (10) " Diwan Bahadur M. Ramachandra Rao Pantulu Garu.
- (11) Khan Bahadur Muhammad Usman Sahib Bahadur.
- (12) M.R.Ry. Diwan Bahadur L. D. Swamikannu Pillai Avargal (Secretary).

Second meeting.

- (1) M.R.Ry. M. Ratnaswami Avargal (Chairman, in the chair).
- (2) " Diwan Bahadur M. Krishnan Nayar Avargal.
- (3) " " R. Venkataratnam Nayudu Garu.
- (4) " T. Arumainatha Pillai Avargal.
- (5) The Rev. W. Meston.
- (6) M.R.Ry. Rao Bahadur T. A. Ramalinga Chettiyar Avargal.
- (7) " C. Ramalinga Reddi Garu.
- (8) " P. T. Rajan Avargal.
- (9) " Diwan Bahadur M. Ramachandra Rao Pantulu Garu.
- (10) Khan Bahadur Muhammad Usman Sahib Bahadur.
- (11) M.R.Ry. Diwan Bahadur L. D. Swamikannu Pillai Avargal (Secretary).

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The first point considered was, on what basis the agenda for any meeting of the Council should be arranged so far as non-official business was concerned. Legislative Council Rule 6 states that the Governor shall, at the commencement of each session, allot a certain number of days for the business of non-official members in the Council, and may from time to time during the session alter such allotment and that on these days such business shall have precedence. No allotment of days for non-official business has hitherto been made by His Excellency the Governor under this rule, presumably because at all the meetings with the exception of those held in November and December 1922 the duration of each meeting and the amount of Government business to be done thereat were such that it was always possible to get through a considerable amount of non-official business at the meeting. The five days' meeting held in December 1922 was probably the first meeting at which no non-official business was transacted, such business having been excluded entirely by Government business and the Committee fear, that if this state of things were to continue, most of the members of Council would cease to have any stimulating interest in their duty as members.

2. Accordingly the Committee are of opinion that it is desirable that His Excellency the Governor should be moved to allot in future a definite number of days at each monthly meeting as the minimum for the transaction of non-official business, with the proviso that, should the Government business be over sooner than the number of days reserved therefor at such meeting, nothing should preclude the Council from taking up the non-official business appointed for that month in the order of the agenda and *vice versa* in regard to the transaction of official business on the days appointed for non-official business. Considering that the present disposition of the Council is not to sit for more than five days as a rule in any particular month, and that it is in favour of a meeting beginning ordinarily on a Monday and ending on the following Friday, the Committee are of opinion that His Excellency the Governor might be moved by the hon. the President to appoint one of such days as the maximum allowable for motions asking for leave to introduce, and those proposing the actual introduction of, non-official members' Bills and two days as a minimum for non-official business of all descriptions including Bills, with the proviso, as before, that the business allotted for these two days might be taken up in the appointed order on any other day in each monthly meeting on which time might be available for non-official business.

3. Of the two classes of business usually brought up by non-official members, viz., (1) Bills and (2) resolutions, the practice hitherto in regard to Bills has been to arrange the motions so that they may come at the end of the Government legislative business and before notices of resolutions by non-official members. Under the letter of Standing Order 5 (2) the relative precedence of notices (of both Bills and resolutions) given by non-official members should be determined by a ballot; but though a ballot for resolutions has been introduced in the Madras Council and has been worked there for some time past, there has so far been no ballot in respect of non-official members' Bills and this plan has been to the advantage of such Bills because the practice has been to enter all such notices on the agenda without discriminating among them by ballot. In the Indian Legislative Assembly Bills and resolutions are balloted for separately; in the Punjab, if a member's name is drawn at a ballot, he has to select either a Bill or a resolution, but not both; the Bengal procedure seems to be more or less like that in the Punjab.

4. The Committee thinks that when necessary there should be a ballot for Bills also, and that the discussion of all Bills balloted for by non-official members should be confined to one of the two days recommended above as a normal allotment for each monthly meeting. The result of this recommendation would be that on the first day allotted for non-official business, all the Bills of which notice had been given would be considered in the order of the ballot, but no Bill would be allowed to trespass on the second day which should, in any case, be reserved for resolutions. Should Bills take up less than the first of the allotted days, then notices of resolutions would be taken up during the remainder of the first day and continued on the second day.

5. According to the method of ballot now followed by the Secretary, all resolutions of which notice has been received and which have been admitted are entered on the agenda paper in the order of the ballot, whatever may be the number of such motions. In a recent month the number of motions balloted for and entered on the agenda paper for a single month's meeting was as many as 210, but hardly forty of these motions had been disposed of by the end of the month's meeting. The result of this method has been not merely waste of stationery, the same motions having had to be repeated month after month on the agenda paper with the certain prospect that not more than a few of them could be taken up before the end of the session; but what was far more serious, the various departments of the Secretariat had probably prepared notes for the use of the members of the Cabinet in respect of all these 210 resolutions and printed them up, and the great bulk of the preparatory work thus done will have to be thrown away at the end of the session, when the notices of undisposed of motions will automatically lapse and most of them will not be renewed next session.

6. To remedy this state of things, the Committee would propose firstly, that only the first thirty names of members drawn at a ballot in respect of any monthly meeting should appear on the agenda paper for that month; secondly, that there should appear against each of such members' names only that one resolution which he has selected out of several of which he may

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have given notice, and thirdly, that such of the thirty motions as are not disposed of at the end of the month's meeting should lapse, the members who have given notice of them being, however, at liberty to enter them again for the ballot preceding the following month's meeting. This method, the Committee are convinced, would give members an abiding interest during the rest of the session in respect of resolutions that had lapsed in the early part of it; and, on the other hand, an opportunity would be given to a member not to press at subsequent ballots a motion in which either the public or he himself had lost interest, and such motions would with advantage disappear from the agenda paper, whereas now a motion balloted for in September is kept alive till March of the following year. Thirty motions for two days are a large number, compared with five for each day which are all that can be balloted for according to the rules of the Legislative Assembly; but in recommending thirty motions as the possible business for two days, the Committee are desirous of providing for the contingency of a number of resolutions balloted for not being pressed or possibly not being moved at all.

7. The Committee expect that, if the first three days of a month's meeting should prove not to be enough for the transaction of Government business, and assuming that monthly meetings would ordinarily commence on a Monday, then the Thursday and Friday of that week would be devoted, as above recommended, to non-official business of all kinds, and Monday, Tuesday and other days in the following week might, if deemed necessary, be reserved by Government for the completion of such items of their business as had not been disposed of in the previous week.

8. The recommendations made so far by the Committee are such as can be given effect to without an amendment of the Standing Orders, because it is open to His Excellency the Governor, under the existing rules, to allot two days in each monthly meeting, as suggested above, for non-official business, and it is open to the Secretary, under the orders of the hon. the President, to hold the ballots for Bills and for resolutions in the manner now recommended, and also to put down on the agenda paper for the month only the first thirty motions drawn at the ballot of that month. But in respect of the following matter an amendment of the Standing Orders would probably be necessary.

9. The question relates to the admission of motions by non-official members on matters of public interest but not in the form of recommendations to the Government. At present a 'resolution' is defined in rule 2 as a motion for the purpose of discussing a matter of general public interest; and rule 23 provides that every resolution shall be in the form of a specific recommendation addressed to the Government. Since Standing Orders can, under section 72 D. (7) of the Government of India Act, be made only in those matters which are not provided for by rules made under that Act, it would seem that the definition of 'resolutions' cannot be enlarged by Standing Orders so as to include opinions expressed by the Council on matters of public interest but not forming the basis of a recommendation to the Government. But although the Rules and Standing Orders at present contemplate only two kinds of motions, viz., (1) those for recommendations to be made to the Government, including motions for the reduction or omission of budget demands, and (2) motions for adjournment of the business in order to discuss matters of urgent public importance, nevertheless, it would not be unreasonable to hold that other classes of motions also can be discussed in a Legislative Council provided the Standing Orders are first amended so as not to trench on the provisions made by rule in regard to resolutions. A subsidiary question that might arise is, how such motions should rank among the various classes of non-official business, and whether three ballots should be held (1) for Bills, (2) for motions for recommendations to be made to the Government, and (3) for motions on other matters. The Committee understand that His Excellency the Governor has already expressed his readiness to allot a day for the discussion of motions of class (3) which would generally be more urgent than (2) and less urgent only in comparison with motions for adjournment. Still, it may be advisable to ask only for a definite portion, instead of for the whole, of the first or of the second day, say, half a working day for the discussion of the first two or three of such of these motions as have been drawn at a ballot. It would often be within the discretion of a non-official member whether his notice of a motion should be worded so as to bring it under class (2) or class (3); and from this point of view perhaps there is not much to be said in favour of discriminating between (2) and (3) in the ballot; but by giving a separate compartment in the ballot to motions which are not recommendations to the Government, members would have the satisfaction that at least two or three of such motions would be taken up at every monthly meeting.

10. Accordingly, the Committee are of opinion that motions for the purpose of discussing matters of public interest, not being specific recommendations to the Government, might, by a suitable amendment to the Standing Orders, be allotted a definite place in the order of the

Paragraphs 10—13.

Note.—The hon. the Raja of Panagal, the first Minister, was not present at the second meeting at which this part of the Committee's report was passed; but all the members then present agreed to it.

business of the House, and that this place should be after non-official Bills and before resolutions which are specific recommendations to the Government; also that the ballot for this new class of motions should be held separately from those for Bills and for resolutions properly so called.

11. As a matter closely related to the question of devising remedies for the present congestion of non-official business, the Committee next considered the present procedure and practice

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in regard to questions and answers. In the first place, the Committee beg to invite the attention of the hon. the President to the serious delays on the part of the Government in answering several questions, and they would request that suitable steps be taken for expediting answers in future. In the second place, the Committee are of opinion and resolve to recommend that the practice of distinguishing starred questions from unstarred ones should be introduced into the Madras Council and that in addition to their being printed as at present and laid on the table of the House half an hour before each meeting, the answers to starred questions should be read out by the Member of the Government or by the Minister responsible for them. The Committee would recommend that, as in the House of Commons, only those members should be entitled to have starred questions answered orally who are present in the House and acknowledge their questions.

12. The Committee believe it to be a fact recognized by every one concerned that the present congestion of non-official business is due to the holding of monthly meetings only when, and to the extent, required for the transaction of official business. As a remedy for this state of things, the Committee have already suggested that His Excellency should be moved to allot in future a definite number of days at each monthly meeting as the minimum for the transaction of non-official business; but the Committee believe that it is also necessary to emphasize the principle that, even if the Government are not ready with any business of their own in any particular month, a meeting should nevertheless be held regularly every month, while the House is in session, so long as there is non-official business to be disposed of. The Committee would recall the fact that in October 1922 no meeting was held for the more reason that the Government had no business then ready, and that the arrears of non-official business which might have been disposed of, had a meeting been held in that month, have contributed to the present congestion.

13. The last point considered was, in what respect the Standing Orders should be amended in order to relieve the congestion of non-official business. The Committee are of opinion that such of the recommendations in this report, as are not contingent on amendments of the Standing Orders, might, if approved, be given effect to at once by the hon. the President. For instance, in the matter of the ballot for resolutions, it would be some relief if all the notices of the resolutions now standing on the agenda paper, and notices received in time for the next meeting could be balloted for again according to the method above recommended by the Committee; and for this apparently no amendment of the Standing Orders is necessary. Such of the recommendations now made as require amendments of the Standing Orders may be placed before the House in the form of suitable amendments to the Standing Orders at the earliest opportunity either by the hon. the Leader or by some other hon. Member of the House. A draft of the amendments which the Committee consider to be sufficient for the present is appended to this report.

P. KESAVA PILLAI.
R. VENKATARATNAM NAYUDU.
T. DESIKA ACHARI.
W. MESTON.
M. RATNASWAMI.
P. RAMARAYANINGAR (*subject to a minute of dissent*).
T. A. RAMALINGAM CHETTY.
C. R. REDDY.
C. TANIKACHALA CHETTY.
P. T. RAJAN.
MR. AMACHANDRA RAO.
M. KRISHNAN NAYAR.
MR. USMAN SAHIB.
T. ARUMAINATHA PILLAI (*subject to a minute of dissent*).

L. D. SWAMIKANNU,
Secretary.

APPENDIX.

After Standing Order 65 insert as Standing Orders 65-A and 65-B with the heading—

Motions not otherwise provided for.

65-A. A member desiring to make a motion which is not in the form of a recommendation addressed to the Government and which is not otherwise provided for in the Rules and Standing Orders shall, unless the President otherwise directs, give six days' notice of the same. Such motions shall, in regard to admissibility, be subject to the same reservations and restrictions, so far as the same are applicable, as resolutions on matters of general public interest.

65-B. For the purpose of Standing Order 5 (2) there shall be a separate ballot for motions admitted under Standing Order 65-A, and they shall be ranked in the order of business after Bills of which notice has been given by non-official members and before resolutions of which similar notice has been given.

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MINUTES OF DISSENT.

(1)

With reference to the draft of the report to be submitted by the Committee and sent to me for my suggestions, if any, I believe I shall be within my right as a member of the Committee if I make the following observations with regard to the decision of the Committee arrived at at its first meeting held on the 23rd December 1922. At that meeting, it seems to have been generally understood that the present disposition of the Council is not to sit for more than five days every month. Now that the Committee has decided that three days should be devoted to Government business and two days to non-official business, I am of opinion that there will be congestion both in the Government business and in the non-official business as well. Legislative measures like the University Bill, Irrigation Bill and Religious Endowments Bill can never be expected to be finished within the time allotted for the disposal of the Government business. Hence the only other alternative is to adjourn these Bills to the subsequent meetings. Adjournment of important legislative measures when only some of the clauses have been discussed leads to a break in the trend of thoughts and arguments. Attempting to finish them within the time reserved for Government must necessarily involve perfunctoriness in the making of Acts which will lead to serious consequences as Bills like resolutions are not mere recommendations to Government.

Having had the good fortune to have worked in the Legislative Council, even though for a short time, before the reformed Councils came into existence, I really think that the arrangement of the sittings of the Council under the old system is much superior to the present arrangement. When at the last Budget session a question was raised as to the enormous travelling allowances of the non-official members of the Legislative Council, the hon. the President suggested as a method of retrenchment that meetings might, if the members liked, be held once in two months. Looking at the present state of affairs I would heartily support the suggestion of the hon. the President and would further add that each sitting of the Council should continue till the business on the agenda is completed. To this it may be said that the mufassal members especially would be put to a lot of inconvenience and loss. Public work does require a good deal of sacrifice and I am sure that no member whether from the mufassal or not will grudge to do his duty by his constituency and his country even at a sacrifice to himself. When members of the pre-reform days Legislative Councils sat at a stretch for fifteen days and sometimes for a month I do not see any reason why the present Council members should be charged with a lack of a sense of their duty and public spirit.

If my suggestion is adopted then the difficulties mentioned in paragraph 5 of the draft report will instantaneously vanish and almost all subsequent recommendations of the Committee would be quite unnecessary.

T. ARUMAINATHA PILLAI.

(2)

With reference to the report of the Committee on non-official business, I am afraid, I cannot agree to the proposal to recommend to His Excellency for setting apart for non-official business the fourth and fifth days of every monthly sitting of the Legislative Council. Occasions there may be for official business to continue for more than three days. If on such occasions, the fourth and fifth days of the sitting are set apart for non-official business, there will be, even in the event of the duration of the Council sitting being extended to more than five days, an inevitable break in the continuity of official business. This break cannot but hamper the Government. If setting apart some time for non-official business is indispensable, the least inconvenient way to do it, of course, from the Government point of view, would be that His Excellency should, before fixing the time for the Council sitting, ascertain the probable duration of time required for official business, and after setting apart for that business the required number of days, appoint time for non-official business at the end of the sitting, if necessary extending the period of sitting to more than five days.

I am also against the proposal of thirty names of members drawn at a ballot in respect of any monthly sitting of the Council appearing on the agenda paper, each member with liberty to move one of his resolutions, notice of which is previously given. This proposal would necessitate the departments noting on thirty resolutions in one month, though there can be no chance of these thirty resolutions being taken up in that month. I think it would be quite sufficient to table at the most twenty resolutions for a monthly sitting. There could be hardly time to finish even these twenty resolutions in any one sitting. By reducing the number from thirty to twenty, a great deal of unnecessary waste of official time and stationery can be prevented.

I am of opinion that, in the present state of our Council, it is not desirable to introduce into it the system of starring the questions. The Council sittings are generally of short duration. If the answers to starred questions are to be read out, and numberless supplementary questions are allowed to be asked, the time to be taken up for questions and answers would necessarily be very much longer, not infrequently leaving little time for other work. Moreover, the Council will have to gain a great deal more of parliamentary experience before that system can, with advantage, be introduced.

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P. RAMARAYANINGAR.

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The hon. the PRESIDENT :—" I should like to say a few words in regard to the report which has just been laid on the table. I am sure that the House will agree with me that we are indebted to the Committee for the careful manner in which they have dealt with the subject and for the promptitude with which they have reported. Their recommendations fall under three heads :—

" Firstly, there are matters within the discretion of His Excellency the Governor. Of this class are the recommendations in paragraphs 2 and 7 regarding allotment of time for non-official business, and the request in paragraph 11 that suitable steps may be taken for expediting answers to questions.

" Secondly, there are recommendations which can be given effect to by the President in virtue of his powers under the Rules and Standing Orders ; to this class belong the recommendation in paragraph 11 regarding the manner in which questions shall be put and answers given and that in paragraph 12 regarding the holding of monthly meetings while the House is in session.

" Thirdly, there are changes of procedure which can be given effect to only by amending the Standing Orders ; of this class, in my opinion, are the recommendations in paragraphs 4, 6, 10 and 13.

" I wish to say in regard to the recommendations of the first class that I have laid the report before His Excellency the Governor for consideration ; the recommendations belonging to the second class are being examined and will receive my early attention, while in regard to the recommendations of the third class, all I could say at present is that pending a formal motion for amendments to the Standing Orders, which it is open to any hon. Member to make, I would prefer not to express any opinion, as the proper time for me to express such opinion would be when I sit as the President of the committee which will have to consider and report on the changes proposed."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" May I say one word, Sir ? It appears from the agenda for this meeting that there are questions left unanswered for a long time. The dates of these questions as noted in the agenda paper are 12th September, 6th October, 13th November, 14th November, 2nd December, 8th December and 14th December 1922 and 12th January 1923. I should like only to invite your attention as to whether this inordinate delay in the answering of these questions is conducive to the speedy transaction of public business. At times some hon. Members even forget the questions of which they have given notice. I should think, Sir, that this is also a matter partly within your jurisdiction and I would therefore request you to see what steps can be taken to expedite the answering of questions sent to Government."

The hon. the PRESIDENT :—" Probably the hon. Member would go a little further and say what exactly he proposes that I should do."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I believe, Sir, that under the existing Standing Orders every time there is a question and that question is not answered, the Government have to apply to you for extension of time, and in that way I do think, Sir, that you, as President of this assembly, have a voice in the matter."

The hon. the PRESIDENT :—" I believe that extension of time in every one of these cases has been formally applied for and granted. This question came up some time ago and I think we then agreed to the rule that the

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Government must answer within time or apply for extension. Since then they have been applying for extension, and when the Government say that they are unable to get the information by a particular date and that therefore they want extension, how is it possible for me to tell them 'no; you should be able to answer'? That would be invading the privileges of the administration."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"If that is so, I should submit that the question may be placed in the agenda and if the hon. Member wishes to apply for any extension of time, he may be in a position to tell us the reasons for the delay in answering a particular question, say, referring to September last. Has the machinery of Government become so slow that it is not able to get anything out of its own officers for the information of this House?"

The hon. the PRESIDENT :—"Perhaps the hon. Leader of the House may enlighten the House on the point."

The hon. Sir CHARLES TODHUNTER :—"I am afraid, Sir, I cannot enlighten the House about questions which do not arise in my department; but the obvious remedy will be to appoint more secretaries to deal with the enormous mass of questions which is now blocking the machinery of Government."

The hon. the PRESIDENT :—"I do not think I can say anything more about it now. But I may suggest that if the House considers that the machinery is not satisfactory and that the answers are not coming in time, it is perfectly open to the House to appoint a committee to go into the whole question and to report on the matter. Unless a particular question is taken up and the reasons for the delay in answering it are obtained and considered, the committee will not be able to say, nor will the House be able to know, whether the delay is reasonable or not. As I have already said, it is impossible for me now to express any opinion offhand in regard to this and the Leader of the House has told us already that he cannot give any opinion."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I am quite aware
11-15 a.m. that I myself cannot suggest any remedy all at once. My object is to enable my hon. friend, who represents not only his own department but the Government as a whole, to know that it is not courteous to this House to have questions, notices of which were given so long ago as the 12th September and the 6th October, unanswered for such a long time. Therefore, there must be some—may I say without any offence?—sense of responsibility to this House in expediting answers."

VI

MOTION TO APPOINT A COMMITTEE TO REPORT THE FUNCTIONS OF THE DEPUTY PRESIDENT.

The hon. Sir K. SRINIVASA AYYANGAR :—"Sir, I move—

That this Council resolves to appoint a committee consisting of the following members of the Council to examine and report on the question of the functions of the Deputy President and the limitations, if any, which should, or can, be imposed on the power of the Deputy President to move resolutions or

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introduce other business, or to participate in the debates, and to suggest such Standing Orders as it may consider necessary to give effect to its recommendation :—

The hon. the President,
The Deputy President,
The Advocate-General,
Diwan Bahadur R. Venkataratnam Nayudu,
Rao Bahadur O. Tanikachala Chettiayar,
Mr. C. Ramalinga Reddi,
Diwan Bahadur M. Ramachandra Rao Pantulu,
Khan Bahadur Muhammad Usman Sahib,
Mr. M. Ratnaswami,
The Rev. W. Meston, and
the mover (Sir K. Srinivasa Ayyangar).

To this list I want to add the hon. the Raja of Panagal, the first Minister.

“The motion speaks for itself. My object in introducing this motion is to regularize and standardize our procedure with regard to the powers and duties of the Deputy President. A question has been raised, for instance, whether the Deputy President can exercise the functions of the President beyond presiding in the Council. That is, whether he can by delegation from the President or through the absence of the President or for any other reason exercise powers which are vested now in the President in matters outside the Council, as for instance the allowance or disallowance of questions. This duty now falls on the President. There have been Standing Orders passed, if I remember right, in the Legislative Assembly with regard to this subject. I had a copy given to me by the courtesy of the Secretary, and, I believe, there is a provision made in the Legislative Assembly that the President can delegate his functions to the Deputy President in matters outside the Council. A doubt has been expressed whether such delegation is consistent with or is possible under the Government of India Act. That will be one of the questions which I expect this committee to examine.

“Again, as a matter of convention what should be the position of the Deputy President? This point has also been raised. If I remember right in one of the Councils it was announced that the Deputy President should not take part in controversial debates or something of that sort—I forget the exact language. That was announced, I believe, by the President in the Council before the election of the Deputy President of the Council. I have sometimes found our Deputy President occupying the chair when a resolution or a motion standing in his name was about to be reached, and some one of us had to come to his rescue and ask for the adjournment of the motion to a time when he would be occupying this chair instead of that. These are questions which had better be standardized or regularized by Conventions or Standing Orders. It is for this purpose that I submit this motion. I may without any breach of confidence mention to the House that the suggestion that this motion should be made came from the hon. the President himself.”

The hon. the PRESIDENT :—“I believe there is no question of confidence. That was publicly done in a meeting of the Council.”

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The hon. Sir K. SRINIVASA AYYANGAR :—"I thought I had the monopoly of the information. I am thankful, to you, Sir, for the correction. I am not shifting the burden of this motion on to the President. It is only fair that I should mention that these things ought to be discussed."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I second it."

Diwan Bahadur P. KESAVA PILLAI :—"It may be permissible, Sir, for me to make a statement of facts for the information of the House. I am sure all Members will be interested to know how things are conducted in other Legislative Councils. I attended the Presidents' Conference at Delhi and this subject was brought before the Conference. I am not to let you know of the details of the discussion and the remarks made by the respective Presidents and the Deputy Presidents on these questions in the Conference. I am sure the erudite Secretary will enlighten us from the confidential reports that he gets on the subject. I gather that this subject has disturbed the official mind a good deal in this Presidency. In no other place has this question arisen. No other Government has questioned the right of an elected Deputy President, who is an elected member responsible to his constituency. If I may tell you, Sir, I think my friend, Mr. Swamikannu Pillai will bear me out when I say that I asked no less a personage than the Rt. Hon'ble J. H. Whitley, the Speaker of the House of Commons, as to what the position of the Deputy Speaker in the House of Commons was. I asked him if he had a right to address the House. The Speaker was kind enough to reply that the Deputy Speaker could, of course, take part in a debate. Sir Narain Chandaravarkar, President of the Bombay Council, told us, that he saw Sir Donald McLean, once Deputy Speaker, fiercely debating on a question in the Commons on the side of the Liberals, and observed an attitude of strict impartiality when he had to occupy the chair. An elected Deputy President who is an elected member responsible to a constituency cannot be expected to keep quiet. He cannot be expected not to give the benefit of his experience and knowledge of local conditions when subjects of burning importance come before the Council. Of course in the official mind there is a doubt. I may add that the Deputy President in the Bombay Council has introduced a Bill proposing to tax turf profits and it has raised quite a storm in the European circles and the question is being discussed in all its aspects by the Government of India."

The hon. Sir K. SRINIVASA AYYANGAR :—"May I rise to a point of order, Sir? The learned Deputy President is not addressing the chair." (Laughter.)

Diwan Bahadur P. KESAVA PILLAI :—"I apologise to you, Sir. I did so because the hon. the President is quite aware that the Deputy President has got every right to speak and has got every right to take part in the debates and also to exercise other powers (laughter). The only gentlemen that seem to have doubts are those sitting on this bench (pointing to the ministerial bench) and so I was not addressing the Chair. Mr. President, Sir, you will kindly excuse me if it was an act of discourtesy."

Mr. C. RAMALINGA REDDI :—"May I know, Sir, whether the Deputy President is opposing or supporting the motion?"

Diwan Bahadur P. KESAVA PILLAI :—"I am not at all opposing the motion."

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“Only, I wish to place a few facts before the hon. Members so that they may understand the peculiar doubts which have arisen in the minds of Members of this Government only. As I told you, Sir, the Deputy President of the Bombay Presidency takes part not only in the debates but also in the introduction of Bills. A question was raised in the Central Provinces where the Deputy President quarrelled with the President over a certain procedure, and he resigned. The Deputy President in the Punjab was taking part in the debates. It is there that the President said that he was taking part, rather too much, in controversial matters. But that was the opinion of that President. In the United Provinces, in Bihar and in Bengal they are going on without any question from the Treasury Benches.

“As regards powers, the hon. the Law Member asked us whether the Deputy President could exercise the powers of the President when they were delegated by the President or otherwise. I may tell him that the Deputy President in Bengal had been doing all the work of the President in and outside the Council without any question whatsoever. The Deputy President in the United Provinces was in the Chair during all the period that the University Bill was discussed. The President of the United Provinces Legislative Council has written a very erudite minute—as erudite as my friend Mr. Swamikannu Pillai’s note—to demonstrate that the Deputy President has all the powers of the President so as to carry on public business. Such a doubt as has arisen in this Council has arisen nowhere else. I wonder why the members of the Madras Government should be so much exercised about the Deputy President speaking in the Council. After all, Sir, we have a partially responsible Government, that is, responsible to the Legislative Council; and why should the Government be so anxious as to curtail the powers or the liberties of an elected Deputy President serving his constituency and at the same time serving the Legislative Council also, and thereby allow the public work to suffer? When the report of the Presidents’ Conference is placed in the hands of the Committee they will know that the Government have been obstructing the work of the Legislative Council by making a narrow interpretation of the Act and the functions of the Deputy President.”

Rao Bahadur A. S. KRISHNA RAO PANTULU:—“Sir, I wish to make a few remarks upon this motion; for I feel that the wording of it is so wide and comprehensive as to suggest, if possible, limitations on the powers of the Deputy President beyond all reasonable expectations. The hon. the Law Member in making the motion drew our attention to the necessity for incorporating provisions in Standing Orders about the functions of the Deputy President and about his powers in the matter of allowance or disallowance of resolutions and questions. He did not dwell at any length upon the latter portion of the motion, which suggests that the Committee is to be appointed not merely to report

on the question of the functions of the Deputy President

but also

on the limitations, if any, which should, or can, be imposed on the power of the Deputy President to move resolutions or introduce other business or to participate in the debates.

“I should think, especially after hearing the hon. the Deputy President, that it is unnecessary for any Committee that a specific reference should be

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made to deal with the question of limitations on the powers of a non-official Deputy President in the matter of taking part in the debates of this House. I quite realise that it may be necessary to further investigate as regards the extent to which the powers of the President should be exercised by the Deputy President. If the motion were confined to the question of the functions of the Deputy President, regarding which there is nothing in the Standing Orders, I should not have thought it necessary to oppose it. But, it goes much further and suggests that some means ought to be found or that a report is to be made as to the limitations on the powers of the Deputy President to move resolutions or introduce other business regarding which, I think, there should be no limitations whatever. If we had known of the motion yesterday or if it was to be moved on any other day in the course of this week, I would have sent in amendments to it; and I suggest to the hon. the Law Member if it may not be worth while to adjourn this discussion to some other day just to see if the reference to the Committee should not be more circumscribed, especially taking into consideration the fact that notice of the motion was given to us only yesterday and there was no time for bringing in proper amendments before the House. But if the reference to the Committee is to cover such a wide ground as indicated in the motion, I think I have to oppose it."

Mr. P. SIVA RAO PANTULU :—" Mr. President, Sir, I wish to suggest a few matters to be investigated. The question arose just on the eve of the election of Mr. Kesava Pillai as the Deputy President, whether he would lose his seat in the Council, and whether he would be accepting service under the Crown or not. Now, Sir, as we are going to have a Committee, this matter may also be usefully investigated. Another question that arose was whether he was to be reckoned as an official or a non-official for the purposes of elections under the Local Boards and Municipal Acts. That matter, Sir, was referred to the Advocate-General and he seems to have given the opinion that he was a non-official and that he might stand for election. I very much wish that all these matters may once for all be thrashed out satisfactorily so that there may be no further doubts with regard to them."

Diwan Bahadur P. KESAVA PILLAI :—" One word of explanation, Sir. Mr. Siva Rao may feel rather comforted if I tell him that I myself have applied to the Government for their opinion in the matter and I have been declared by them, on the advice of the Advocate-General, to be a non-official for the purpose of contesting the seat of the president of a district board."

The hon. Sir CHARLES TODHUNTER :—" Is the hon. Member in order, Sir, in making a second speech " ?

Diwan Bahadur P. KESAVA PILLAI :—" It is only an explanation, Sir, that I am making. Also the Government, quite reasonably, asked me not to use service stamps because I was a non-official."

The hon. Sir K. SRINIVASA AYYANGAR :—" May I say a few words, Sir ? I thought that this was more or less a formal motion. My friend, Mr. Krishna Rao, pleads for adjournment in order that the work of the Committee may be circumscribed or narrowed down, and he says that because of the statement of facts made by the hon. the Deputy President, who referred to the talk he had with the Deputy Speaker in England. I have never crossed the seas and have not even a nodding acquaintance with the

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Houses of Parliament; but so far as I know—I gather this from very good authority—the Deputy Speaker there never takes part in any debate, not because there is any specific rule fettering his discretion but because he has got so much work there that he has no time whatsoever to do anything in that direction. Here our Deputy President is not overwhelmed with work. The question has therefore naturally arisen here in India whether he can take part in controversial matters, seeing that he has got to preside over debates in the Council. It is the convention in England that the Deputy Speaker should not take part in any controversial debates in the House.”

Diwan Bahadur P. KESAVA PILLAI :—“ What is the authority for that ? ”

The hon. Sir K. SRINIVASA AYYANGAR :—“ If he comes outside I shall show it to him.”

The DEPUTY PRESIDENT :—“ Sir, the House is entitled to know the authority when he makes a statement.”

The hon. Sir K. SRINIVASA AYYANGAR :—“ It is so stated on the authority, I believe, of the present President of the Legislative Assembly.

“ Now, Sir, with regard to the procedure in other provinces, I have here definite information with regard to one province. This is the statement made by the hon. the President of the Bihar and Orissa Legislative Council on the 8th August 1922 on the occasion of the election of the Deputy President. He says :

Before electing a Deputy President perhaps it would be desirable for the hon. Members to understand the duties to be assigned to that officer and the rules regulating his conduct in regard to the House. Hitherto the question did not arise inasmuch as Mr. Hasan Imam on account of his having an extensive practice was unable to give much of his time to the Deputy President's work. At the Simla Conference of Presidents it was recommended that each Council should appoint a Committee to consider the duties and functions of the Deputy President.

“ We are really carrying out this recommendation in this motion on the advice of our President :

In our case I considered that it would not be necessary to do so, so long as Mr. Hasan Imam occupied that office. But now that we are going to have a new Deputy President, it is desirable to say at the outset that his task may occasionally be a heavy one. To begin with, if the Standing Orders are so amended, the President may have to delegate to him all his powers in certain circumstances; the President may sometimes be laid up with sickness and the work might have to be carried on by the Deputy President. The Deputy President naturally will have to submit to very considerable restraint. I was very unwilling myself to accept nomination as a candidate and it was only after Sir Frederick Whyte assured me that it would be left to my discretion not to take part in controversial questions that I agreed to stand for election.”

11-45 a.m.

The DEPUTY PRESIDENT :—“ I submit I told you, Sir, that we are going to get the decision of the Conference of Presidents.”

The hon. Sir K. SRINIVASA AYYANGAR (*continued*) :—

Although in the old Imperial Council in which the hon. Mr. McPherson and myself represented the province as official and non-official members respectively, we had many a spirited passage at arms without, I may say, any feeling of bitterness on either side, yet last year when the Punjab question was being discussed, after my election as Deputy President, naturally after my assurance to Sir Frederick Whyte not to take any part in controversial questions, I did not open my lips.

“ It is merely for the purpose of drawing attention to the fact that there is no obligation now, but that a particular position has been adopted in one particular Legislative Council, that I am making this statement with reference to the facts as stated by the hon. the Deputy President who said that

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unfettered discretion is given in all other Legislative Councils and that he could not understand why the official bench in Madras should be worried with this question.

Therefore the understanding must be that on all such questions the Deputy President should not participate in the debate, because at any time in the course of it he may be called upon to take the President's Chair.

"The Deputy President therefore was not right when he said that free liberty was allowed. It is for the Committee to inquire and lay down the functions of the Deputy President. I think the motion gives sufficient power to the Committee to investigate all matters and arrive at a more satisfactory convention."

The hon. Sir CHARLES TODHUNTER :—"Sir, a question has been asked as to what is the authority for certain statements that were made. I did not anticipate this, but I have here the speech of the President of the Legislative Assembly on 1st September 1921 in which he has discussed all the functions of the Deputy President. And as it has been suggested that certain views that have been expressed are peculiar to the official bench of this Council, I should like to quote a few lines from the speech of the President of the Legislative Assembly."

The DEPUTY PRESIDENT :—"May I point out that this question has been discussed and conclusions have been drawn at the last conference? All the presidents have come to certain conclusions. It was stated that even the President of the Legislative Assembly was making mistakes. What is the use of quoting from speeches?"

The hon. Sir CHARLES TODHUNTER :—"The hon. the Deputy President has been busy quoting from conferences the proceedings of which have not been laid on the table and which none of us are permitted to quote from. We have some other confidential documents from which also I am not able to quote. Therefore, I quote from the speech of the President of the Legislative Assembly who is the highest authority in India on the subject."

The DEPUTY PRESIDENT :—"He has committed some mistakes of his own."

The hon. Sir CHARLES TODHUNTER :—"He says :

I am revealing no inviolable secret when I say that such was the unwritten understanding on which our first Deputy President acted. I take this opportunity, while regretting his absence from this Chamber and while congratulating him on his accession to high office, of bearing my witness to his unfailing observance of it.

I should not, however, do justice to the requests which I have received if I were to leave the matter there. It has been suggested to me, from more sources than one, that the analogy of the House of Commons—if properly followed—would compel the Assembly to forbid the Deputy President to take part in ordinary debate and thus preserve the impartiality of his official character.

In point of fact, the House of Commons has no Rule nor Standing Order which forbids the Deputy Speaker—better known as the Chairman of Committees or the Chairman of Ways and Means—to take part in debate; but the conditions of his office and the established tradition of the House effectively preclude him from doing so.

Then he goes on to say :

It is for this Assembly to evolve its own practice, and to establish its own institutions for the discharge of its duties as a legislative body. Your Deputy President carries upon his shoulders the obligation to uphold the even-handed impartiality of the Chair even when he himself is not the occupant of it. That obligation is laid upon him by the will of his colleagues when they elect him; and it should ever be his first care to observe it. It must be obvious to

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those who survey his position that he does not, and cannot, enjoy perfect freedom to take part in debate, and in accepting election to the office, he also accepts the sacrifice of many otherwise tempting Parliamentary opportunities.

"I have quoted that, Sir, because it has been suggested that, although this matter has been taken up in all the Legislative Councils, it has been stated that the only people who have raised any question on the subject are certain officials in Madras.

"I think, Sir, that hon. Members are aware that the prompter of this motion was not an official at all. I am surprised that any opposition should have been raised to what is merely a formal motion, and one which is being made in every Council in India."

The hon. the PRESIDENT :—"I would simply draw attention to the fact that at present we are only discussing the question as to whether we should have a Committee to examine these questions. And it is apparent that under those circumstances it is unfair not to give the Committee quite a free hand. I am sure that the Deputy President and the hon. the Law Member who are both members of the Committee will, notwithstanding all that they have said here, go into the Committee with perfectly open minds willing to hear and ready to be convinced by what other members may say. With these remarks, I will now put the motion to the House."

The motion was put and carried.

VII

AMENDMENT TO STANDING ORDERS.

The hon. the PRESIDENT :—"The next motion is an amendment to the Standing Orders proposed by Mr. Krishnan Nayar. Before the hon. Member tabled this motion, he was presumably not aware of the report of that Committee. There will probably be several amendments necessary. It is for his consideration whether he will put them all together or whether he will move this by itself."

The hon. Sir CHARLES TODHUNTER :—"May I rise to a point of order, Sir? The Standing Order says :

Unless the President otherwise directs, not less than ten days' notice of a motion for leave to amend the Standing Orders should be given

Diwan Bahadur M. KRISHNAN NAYAR :—"I gave this notice several days ago."

The hon. the PRESIDENT :—"Sufficient notice has been given."

Diwan Bahadur M. KRISHNAN NAYAR :—"I was myself a member of the Committee which was appointed to report on the measures to be taken with reference to the congestion of non-official business. And in the report itself it has been suggested, though not expressly, by implication at all events, that the substance of this Standing Order should be given effect to. I may also be permitted to say that when the report was circulated I wrote to the Secretary to this Council that this identical amendment might go as part of the report of the Committee. But I was informed by the Secretary that it could go in only as a dissenting minute. Then I wrote to him that it was not likely that the members of the Committee would dissent from me, that all of them would unanimously agree with me and that it would not be proper in these

[Mr. M. Krishnan Nayar]

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circumstances to include this as a dissenting minute. Independently I gave notice of this amendment. Then, Sir, with reference to the report of the Committee, you suggest to me the desirability of having this amendment postponed so as to be considered along with the other amendments to the Standing Orders. But I beg permission to move this at once, and, if I am permitted, I shall give my reasons for doing so."

The hon. the PRESIDENT :—" The hon. Member is perfectly within his rights in asking for leave to move it at once. I am now to read out the draft of the amendment :—

Omit the full stop at the end, and add the words ' which shall be held separately for bills and for resolutions.'

" I have now to inquire whether the hon. Member has the leave of the House.

" No objection having been taken, I declare that the hon. Member has the leave of the Council.

" The draft amendment has now to be referred to a Select Committee of which the President shall be Chairman, and the Deputy President, the Advocate-General, and a Chairman of the Council to be nominated by the President, shall be members. I hereby nominate Mr. R. Venkataratnam Nayudu to be a member of the Committee, and then the remaining members of the Committee, six in number, have to be elected by the Council by means of the single transferable vote. I have to appoint a period within which notice may be handed to the Secretary by any member desiring to propose a member or members for election. I hereby fix 3 p.m. to-morrow afternoon as the period within which the notice required should be handed over to the Secretary."

VIII

THE MADRAS SURVEY AND BOUNDARIES BILL, 1921.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB
12 noon. Bahadur :—" As the House will remember when this Bill was fully considered at the last sitting in the light of the amendments that had been tabled by hon. Members, I informed the House that I would defer my motion for passing the Bill into law until this day so that in the meantime I might examine the amendments which had been accepted by the House with particular reference to their effect on the other provisions of the Bill and consider what amendments, if any, consequential or otherwise, would be necessary. Having conducted that examination, I have tabled a few amendments as appearing on the agenda, and with a view to consider these amendments, I move the further consideration of the Bill."

The hon. Sir K. SRINIVASA AYYANGAR :—" I second it."

The hon. the PRESIDENT :—" Mr. Ramachandra Rao wishes to move an amendment to the effect that in clause 1 ' 1923 ' shall be substituted for ' 1922 '. The hon. Member's amendment is out of time and I inquire whether any hon. Member has objection to this amendment being allowed now."

No objection having been taken, the hon. Member was allowed to move his amendment.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I beg to move that in clause 1 *for ' 1922 ', ' 1923 ' be substituted*, so as to indicate that this Act was passed only this year and not last year."

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Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" I second it."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I accept it."

The amendment was accepted, and the substitution made. The clause as amended was added to the Bill.

Clause 11.

Sub-clause (2).

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I move, Sir, *that for ' 11 ' wherever it occurs substitute ' 11 (1) ', as it will be noticed that clause 11 is subdivided into two clauses as 11 (1) and 11 (2). The reference in subclause 2 to clause 11 should obviously be to 11 (1). I formally move that ' 11 (1) ' be substituted for ' 11 '.*"

The hon. Sir K. SRINIVASA AYYANGAR :—" I second it."

The clause as amended was put and carried and added to the Bill.

Clause 12.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I move, Sir, the redrafting of this clause as it appears on the agenda.

" The redrafting will read thus :—

2. ' 12. (a) An appeal under section 11 shall be preferred within three months from the date of service of notice under section 8, 9 or 10, provided that the time taken to obtain a copy of the decision and of the map shall not be included in the period of three months allowed for appeal.

(b) No appeal preferred after the expiry of the said period shall be admitted, provided that the appellate authority may admit an appeal after the expiry of the said period on his being satisfied that the appellant had good and sufficient cause for not preferring the appeal within such period.

Explanation.—The fact that notice under section 8, 9 or 10 was not served personally on the appellant shall be deemed to be good and sufficient cause within the meaning of the above proviso.

(c) No appeal shall be admitted under sub-section (b) after the issue of the notification specified in section 13. "

" I may at once inform the House, Sir, that so far as sub-clauses (a) and (b) are concerned they are merely a redrafting of the existing clause (12); only the language has been somewhat improved by my hon. colleague the Law Member. In regard to the explanation, I may certainly add that I have omitted the words ' or that no notice was given to him ' which occur in the original explanation. It was considered unnecessary to retain these words inasmuch as the explanation makes it sufficiently clear that if no notice was served on any individual personally, that by itself shall be a ground for the admission of an appeal. In the face of the fact that the non-service of a notice personally is regarded as obligatory reason for the appellate authority to admit an appeal, it is equally correct to say that even if no notice was given to him then also the appeal should be admitted. The fact that no

[Sir Muhammad Habib-ul-lah Sahib] [30th January 1923]

Clause 12—cont.

notice was served itself connotes that no notice was issued and therefore it was considered unnecessary to retain these words. Therefore, on the whole, the effect of the explanation, as intended by the mover of that amendment remains there.

“ Clause (c) is new. I do not say ‘ new ’ in the sense that it has been now imported with any the least intention of introducing new provisions. In a sense I would regard it as consequential—consequential on the explanation which has been added. I have never tired myself of repeating that the aim and purpose of legislation from the very commencement in regard to the surveys and demarcation of boundaries has been to secure a finality in the matter of such surveys and demarcations. The Select Committee which sat on the Bill which subsequently became law and is now in operation made it sufficiently clear in their report that they had secured by means of legislation, Act IV of 1897, such a finality as was necessary. The Legislative Council of those days which passed that Bill did not challenge that statement. The Courts of Law which administered that Act from 1897 to 1915 did not dispute that fact, but it was only for the first time in the year 1915 that the Madras High Court held that if finality was intended by the law, it could be made obligatory only in the case of individuals who had appeared before survey officers and contested the boundaries, but that it could not be made obligatory in the case of individuals who did not so appear or so contest. The object of this Bill is to secure finality in respect of all surveys and boundaries. With a view to secure this object, several modifications have been incorporated in the Bill whereby it has been rendered obligatory on the part of the survey officer to give notice of every single demarcation not merely to the individuals who appear before him and contest the decision, but also to every other individual whether he appears or not before the survey officer. So that, notice is given to all individuals alike whether they contest or not, and they have the right of appeal to the appellate authority and the same privileges which are now conceded to the parties who contest are extended to the parties who do not appear and contest. Having, therefore, brought all of them to one level and extended similar privileges and concessions, clause 13, which is the result of the previous provisions, aims at giving finality to the decisions of the survey officer, decisions which might have been taken under clause 9, 10 or 11. The explanation, if interpreted correctly by a Court of Law at a later stage, may mean that even if the notification which is prescribed under clause 13 has been issued, it will be open to any party to appear and prefer an appeal on the ground that the notice was not, in the first instance, served on him personally. It will be impossible to fix anything like a limitation of time within which a party may choose to do so. He may do it at any time he may like. The unfortunate consequence of such a procedure will be that although the notification has been issued under clause 13 and although under clause 13 the notification that has been issued is regarded as final, even then the doors of objection will remain always open, so that a notification which issued under clause 13 and which apparently claims finality on its behalf will not be final, but that throughout the whole period it will be open to any single individual to come forward and prefer an appeal, and this would be rendering the provisions of the whole Bill nugatory. It is, therefore, to protect the finality which has been allowed under clause 13 that Government considered it

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Clause 12—cont.

necessary to say definitely in clause (c) of the amended section that 'no appeal shall be admitted under sub-section (b) after the issue of the notification specified in section 13'. It may also be pointed out that it cannot be said that the party who intends to prefer an appeal under the provisions of this Bill will be precluded from asserting his right by reason of clause (c), for it will be remembered that under clause 14 the party has still got his door of remedy open. Under clause 14 he can file a suit in a Court of Law for the purpose of contesting a boundary that might have been surveyed by the Survey officer. While in the present Act there is only a period of one year allowed for the purpose of filing suits, in this Bill we have provided as long a period as three years, so that the party after the issue of final notification has still three years within which to file a suit and contest the boundary which has been surveyed by the Survey Officer. It was in view of these facts that we considered it necessary to include the sub-clause (c) as part of the re-drafted clause 12."

The hon. Sir K. SRINIVASA AYYANGAR :—" I second it."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I think it is not desirable to accept sub-clause (c) of this re-drafted clause.

12-15 p.m.

It is a new provision altogether beyond the scope of the discussion which took place in this Council. If we all agreed upon a reconsideration of the Bill, which ought to have been passed at the last sitting, it was only for the purpose of setting right some defects in language and of improving the language of the Bill, but not that it should go in substance behind the resolutions of this House on the last occasion. I would point out that the explanation to clause 12, as passed at the last sitting, provides that where notice is not served personally on the appellant or where no notice is given to him, there is sufficient cause for the admission of an appeal after the expiry of the time allowed. It is true that the fact that notice is not served personally will include within its scope the fact that no notice is given and the explanation can be perfect as suggested in the re-draft. But the difficulty that will arise by adopting the new sub-clause (c) is that even in cases where, on account of mistake on the part of the officer concerned no notice is given to the party, he is not at liberty to ask for the admission of the appeal after the time allowed. That will be the effect of accepting sub-clause (c). It has been pointed out by the hon. the Revenue Member that the party has the remedy open to him, namely, that of filing the suit within three years after the notification. But we all know that if, without any notice being given to him, he should be called upon to file a suit to have the wrong remedied, it will be very hard indeed. The remedy allowed to him by the Act is much simpler and easier than the resort to a Court of Law and litigation which will certainly be productive not only of hardship, but substantial injury and pecuniary loss. For these reasons, I submit that though sub-clauses (a) and (b) may be passed, this House ought to reject sub-clause (c), because it is altogether a matter different from that covered by the previous discussions of this House and it will take away from the party concerned the privilege of having an appeal even in cases where no notice is given to him apart from cases where the notice is served personally.

"For these reasons, I oppose sub-clause (c) of this new clause 12."

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Clause 12—cont.

Rao Bahadur C. V. S. NARASIMHARAJU :—“ Mr. President, the intention with which the Legislature at the last sitting adopted the provision was that a person who has no notice of the survey proceedings personally or on whom no notice is served should not be bound by the survey operations. Now the explanation is amended and the words

or that no notice was given to him

have been omitted from the explanation as passed by this House. But it is stated that the present explanation covers both cases. I respectfully beg to differ from the hon. the Revenue Member in his interpretation. There are two distinct cases : the first is a case where a notice is issued but not served, and the second is a case where no notice is issued. It is quite possible to interpret the present explanation as covering only one case, namely, where notice is issued but not served, but not a case where no notice is issued at all. What I want to say is this : if a party to whom no notice is issued goes to the Appellate Court and says ‘ This is a case where no notice was issued at all and I was not able to know the fact within the time prescribed ; please, therefore, admit my appeal,’ the Court in all reasonableness may say, ‘ Your case is not contemplated by the explanation in the Act, because it covers only a case where a notice is issued and not served ; so we reject your application.’ So, for the sake of clearness it is better to retain the clause as it stood when passed at the last sitting, as we do not know what interpretation may be put by the courts if the explanation is amended as proposed now.

“ Regarding the new sub-clause (c) which is proposed to be introduced by the hon. the Revenue Member, I submit that it is quite against the spirit of the amendments carried at the previous sitting. The main intention was that in all cases where no notice is issued to the party or in all cases where no notice is served, there should not be finality of survey. Now if this new sub-clause is added, that intention will be greatly violated and parties will not have any advantage. My explanation is this : in the case of a person to whom no notice is issued or on whom no notice is served, he may be allowed to come at any time and move the survey authorities, and he may be heard. If the survey authorities are not going to allow the appeal, then he may under clause 14 file a suit. If we introduce the new sub-clause, his remedy will be barred for ever if he does not bring a suit within three years, and that is a danger which was not contemplated at the previous sitting. The main intention then was that in all cases where no notice is served or no notice is issued, the survey operations should not be binding upon such parties. Therefore I oppose the whole clause as redrafted.”

The hon. Sir CHARLES TODHUNTER :—“ Sir, may I, as a practical man, ask the hon. Members who are opposing these verbal alterations two plain questions ? The first, which is quite a simple one, is this : how can a notice be served without its having been issued ? The other question is : if you do not allow this sub-clause (c) to be passed, how can any survey ever be finished ? Any man can come forward and say that notice has not been served on or issued to him, and appeals will go on accumulating *ad infinitum*, and the Survey Department will have to leave men to deal with them. The House has often been heard to criticize the expenditure on the Survey Department, but if hon. Members are going to provide that no survey ever can be completed (which would be the result so long as anybody could prove that no notice had been served on him), then I am afraid that the expenditure

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Clause 12—cont.

will be very largely increased. I may say, in conclusion, that, as the hon. the Revenue Member has pointed out, the Act has been working very well since 1897, and there is nothing in the present proposal that is contrary to the experience of all these years since 1897. I therefore think that it would be wise to leave matters as they stand."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—"Mr. President, I think that the two questions which the hon. the Leader of the House has suggested may be easily answered. So far as the issue of the notification goes, he is perfectly right when he says that there is no service when there is no issue of notice. But it is not that notification that is now thought of. It is the order in respect of which an appeal can be preferred, and when once the order is passed, of course it is capable of being served.

"So far as the second question goes, I do admit that there will be some difficulty in getting finality to the survey proceedings, but there is nothing like an appeal *ad infinitum* to which the hon. the Leader of the House referred. But such want of finality in the survey proceedings is due to the very inherent circumstances of the case. It is because a person for no fault of his has been deprived of the opportunity of appealing against an order by which he considered himself to be aggrieved, and because he wants that an appeal should be preferred, that he should be put in the same position as if the wrong for which he is in no way responsible has not been committed to him. That I think is a very reasonable view of the matter, and after all in such cases when in consequence of an appeal that is preferred in the circumstances contemplated there, the original order is in any way modified, there is nothing to prevent the register from being corrected so as to represent the true state of affairs after the appeal has been decided. So that, it seems to me, Sir, that as practical men anxious to do justice, the proper course for us will be to delete sub-clause (c) in the amendment that has been proposed by the hon. the Revenue Member."

The redrafted clause 12 was put to the House and declared carried.

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sub-clause (c) has not been put, Sir."

The hon. the PRESIDENT:—"I have put the whole clause, including the sub-clause (c), to the House."

Sriman Biswanath Das Mahasayo demanded a poll
12-30 p.m. which was taken with the following result:—

Ayes.

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| 1. The hon. Sir Charles Todhunter. | 11. Mr. F. F. Thomas. |
| 2. " Khan Bahadur Sir Muhammad Habib-ul-Jah Sahib Bahadur. | 12. " E. Periyannayagam. |
| 3. " Sir K. Srinivasa Ayyangar. | 13. Rao Sahib T. C. Tangavelu Pillai. |
| 4. " the Raja of Panagal. | 14. Mr. A. Ramaswami Mudaliyar. |
| 5. " Rai Bahadur K. Venkatareddi Nayudu. | 15. Rao Bahadur T. A. Ramalinga Chettiyar. |
| 6. " Rao Bahadur A. P. Patro. | 16. Mr. S. T. Shanmukham Pillai. |
| 7. " Mr. A. K. Knapp. | 17. S. R. Y. Aukinedu Prasad Bahadur. |
| 8. Mr. E. S. Lloyd. | 18. Mr. M. Appalarasayya Nayudu. |
| 9. " A. Y. G. Campbell. | 19. " R. Appaswami Nayudu. |
| 10. " R. G. Grieve. | 20. Rao Sahib S. Ellappa Chettiyar. |
| | 21. Rao Bahadur P. C. Etbirajulu Nayudu. |
| | 22. Diwan Bahadur T. N. Sivagnanam Pillai. |

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Clause 12—cont.

Ayes—cont.

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| 23. Mr. W. Vijayaraghava Mudaliyar. | 37. Rao Bahadur C. B. Rama Rao. |
| 24. „ K. A. Kandaswami Kandar. | 38. Diwan Bahadur Sir T. Desika Achariyar. |
| 25. „ B. Muniswami Nayudu. | 39. Mr. T. Arumainatha Pillai. |
| 26. „ A. T. Muttukumaraswami Chettiyar. | 40. Rai Sahib E. C. M. Mascarenhas. |
| 27. „ M. Narayanaswami Reddi. | 41. Mr. A. T. Palmer. |
| 28. Rao Bahadur C. Natesa Mudaliyar. | 42. The Raja of Ramnad. |
| 29. Mr. C. Ponnuswami Nayudu. | 43. Sri Meka V. Apparao Bahadur. |
| 30. Rao Bahadur A. Ramayya Punja. | 44. Mr. K. Prabhakaran Tampam. |
| 31. Mr. W. P. A. Saundarapandiya Nader. | 45. Khan Sahib A. P. I. Saiyid Ibrahim Ravuttar. |
| 32. Mr. R. K. Shanmukham Chettiyar. | 46. Muhammad Abdur Rahim Khan Sahib. |
| 33. „ K. Sitaram Reddi. | 47. Khan Sahib Munshi Muhammad Abdur-Rahman Sahib. |
| 34. Diwan Bahadur K. Suryanarayana-murti Nayudu. | 48. Khan Bahadur Muhammad Sadulla Badsha Sahib. |
| 35. Diwan Bahadur R. Venkataratnam Nayudu. | 49. Mr. G. Vandanam. |
| 36. Mr. S. Muthumanikkachari. | 50. Rao Sahib G. Venkatarangayya. |

Noes.

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| 1. Mr. M. Adinarayana Reddi. | 6. Mr. C. V. Venkataramana Ayyangar. |
| 2. Diwan Bahadur M. Ramachandra Rao Pantulu. | 7. Sriman Biswanath Das Mahasayo. |
| 3. „ „ L. A. Govindaraghava Ayyar. | 8. Mr. T. M. Narasimhaচারু. |
| 4. Rao Bahadur A. S. Krishna Rao Pantulu. | 9. Sriman Sasibhushan Rath Mahasayo. |
| 5. „ „ C. V. S. Narasimha Raju. | 10. Diwan Bahadur D. Seshagiri Rao Pantulu. |
| | 11. Mr. M. R. Seturatnam Ayyar. |
| | 12. „ R. Srinivasa Ayyangar. |
| | 13. „ M. Suryanarayana Pantulu. |

The re-drafted clause 12 was declared carried, fifty members having voted for and thirteen against it.

Clause 13.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I move—

3. *For the words 'shall be published in the village chavadi' substitute the words 'shall be posted in the village chavadi'.*

"This is merely an improvement in language. The word 'published' is rather inappropriate when it has reference to a particular building only. So I suggest that the word 'published' may be substituted by the word 'posted'."

Diwan Bahadur P. KESAVA PILLAI:—"I beg to second it, Sir."

Sriman BISWANATH DAS Mahasayo:—"Mr. President, Sir, all villages have not got chavadis. Therefore, I should like to know what the procedure would be in such villages as have no chavadi."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"The words 'if any' occurring in the clause answer the hon. Member's doubt." (Laughter.)

The amendment was put and carried.

Clause 14.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I move—

4. *That the words 'subject to the provisions of Parts II and III of the Indian Limitation Act, 1908,' be omitted.*

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Clause 14—cont.

“Act X of 1922 which has since been passed by the Imperial Legislature makes it obligatory to apply all the provisions of Parts II and III to the proceedings even under special laws. It is therefore deemed unnecessary that any reference to those provisions should be made in this clause at all. They will apply automatically whether any reference is made to them or not in this clause. That is why I ask that those words may be deleted.”

The hon. Sir K. SRINIVASA AYYANGAR :—“I second it.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“Sir, I have given notice of another amendment which is the reverse in some respects of what my hon. friend has proposed by his amendment. Hon. Members will see that a suit under clause 14 has to be instituted in civil courts after the publication of a notification under clause 13 of the Bill and that suit has to be filed within a period of one year. The present proposal of my hon. friend is to delete the words ‘subject to the provisions of Parts II and III of the Indian Limitation Act, 1908’. Part II of the Limitation Act contains exemptions in favour of various persons who are under legal disability. Section 4, which is a section in Part II, says :

Where the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, preferred or made on the day that the Court re-opens.

As the suit has to be instituted within one year, this section is obviously applicable. Then, section 6 relates to the question of legal disability such as being a minor, or insane person, or an idiot. This section admits of the suit being instituted after the disability has ceased. Then, section 7 deals with cases where one of several plaintiffs or applicants is under a disability. Section 8 is a proviso to sections 6 and 7. Section 9 relates to the continuous running of time to all the suits instituted in those Courts. Then, we have sections 17 and 18 in Part III. Section 17 relates to the effect of death before right to sue accrues. That also applies to those suits. Section 18 relates to the effect of fraud upon suits.

“The hon. Member referred to Act X of 1922 of the Imperial Legislature. That Act lays down that the provisions contained in sections 4, 9 to 18, and 22 will apply to suits which may be instituted under any special or local law. These sections, namely, 6 to 8, are not at all mentioned in that enactment. That means that any person who is under a legal disability such as being a minor, or a lunatic or an idiot will not be allowed to institute their suits after the disability ceases. Therefore it seems to me that the provision made in sections 10 and 22 will not afford an effective remedy to persons who have to institute suits under all those sections. Moreover there are many sections which are obviously inapplicable to these suits and which are included in this Imperial Act X of 1922. Under these circumstances, I beg to oppose the amendment of my hon. friend the Revenue Member to delete entirely all reference to Parts II and III of the Limitation Act for the reason that suits have to be instituted by persons under legal disability and by persons referred to in all those sections. Therefore, I hope my hon. friend will withdraw his amendment and accept my amendment. Though my amendment refers to sections 4, 6 to 9, 17 and 18, the words ‘sections 6 to 8’ are practically enough.”

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Clause 14—cont.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I have no objection to withdraw my amendment. I withdraw it, Sir."

The amendment was by leave of the House withdrawn.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" My amendment is :

4-A. *For the words ' parts II and III ' substitute the words ' sections 4, 6 to 9, 17 and 18 '.*

" It is now proposed to retain only the words ' sections 6 to 8 ' as sections 4, 17 and 18 are mentioned in the other enactment."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I second it."

The hon. Sir K. SRINIVASA AYYANGAR :—" I do not want to have any further confusion in that clause. I want to know whether you are going to delete parts II and III of the Limitation Act from this section 14 and whether instead you are going to insert only particular sections of the Act."

The hon. the PRESIDENT :—" I suppose the hon. Member wants to know what the motion is. The amendment is this : *for ' the words parts II and III ' substitute the words ' sections 6 to 8 '.*"

The hon. Sir K. SRINIVASA AYYANGAR :—" The difficulty may be that, if you introduce those particular sections, it may be considered as if it excludes the application of Act X of 1922. If my hon. friends are satisfied, I shall not object to it."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" As advised by my hon. colleague, if hon. Members here wish to insert only those particular sections, I have no objection."

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, I oppose this amendment. The amendment of Mr. Ramachandra Rao will narrow down to a great extent the privileges given to other persons mentioned in section 4 and the sections other than those mentioned by Mr. Ramachandra Rao."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" As my hon. friend has withdrawn his amendment, I also withdraw mine."

The amendment was by leave withdrawn.

*Clause 15.**Sub-clause (2).*

12-45 p.m. The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" Sir, I beg to move—

5. *After the words ' registered holder ' insert the words ' in the prescribed manner '.*

" I make this motion because, if these words are not added, the impression will be that there is only one mode of service which is recognized by clause 15, viz., personal service; whereas an alternative method is given in clause 15 (3). It is specifically mentioned there that, if the notice prescribed in sub-clause (2) cannot be served personally on the registered holder, a copy of the same shall be served also on the cultivator or other person interested

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Clause 15—cont.

in the land. In order to remove the obvious inconsistency which exists between clause 15 (2) and (3) I have suggested this amendment."

The hon. Sir K. SRINIVASA AYYANGAR :—"I second it."

The amendment was put to vote and carried.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"In the same sub-clause we find the word 'prescribed' occurring in the latter portion, viz.—

'to maintain, renew or repair the same within a time to be *prescribed* in such notice

The word 'prescribed' would be absolutely inappropriate in that place. For, the word 'prescribed' is given quite a different significance in this Bill, namely, that 'prescribed by rules framed by the Government under this Act'. In the place of that word I would substitute the word '*specified*' simply for the improvement of the language."

The hon. Sir K. SRINIVASA AYYANGAR :—"I second it."

This amendment was put to vote and carried.

Sub-clause (3).

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I beg to move—

For the words 'prescribed in' substitute 'under.'

"In clause 15 (3) also the unfortunate word 'prescribed,' has crept in. I therefore suggest the substitution of the word 'under' for the words 'prescribed in.'"

The hon. Sir K. SRINIVASA AYYANGAR :—"I second it."

This was put to vote and carried.

Clause 19.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I beg to move—

6 (a) *To omit the words 'provided that'.*

"In this clause, which is of course a redraft by the hon. Member who moved it, the words 'provided that' have been retained without any meaning or significance attached to them. It is true that these words found a place in the original clause. The redraft is somewhat different from the original clause and as such these words become out of place. I therefore propose that they may be eliminated."

The hon. Sir K. SRINIVASA AYYANGAR :—"I second it."

The motion was put to vote and carried.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"In the same clause I beg to move—

6. (b) *For the words 'prescribed by any law' substitute the words 'provided by any law'*

The hon. Sir K. SRINIVASA AYYANGAR :—"I second it."

The amendment was put to vote and carried.

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Clause 21.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I beg to move—

7. *In the addition made in this clause after the word 'proprietor' insert the words 'as the case may be'.*

"This addition was made by the House. In the sentence beginning with

After giving notice to the tenant or proprietor in the manner provided in clauses 2 and 3 of section 15.

I want the words 'as the case may be' to be added after the word 'proprietor'. It is merely an improvement of language."

The hon. Sir K. SRINIVASA AYYANGAR:—"I second it."

The motion was put and carried.

Clause 25.

Sub-clause (i).

Mr. K. PRABHAKARAN TAMPAN:—"I beg to move—

8. *After the word 'acquire' in line 53 insert the words 'where there is an express or implied undertaking that such expenses shall be borne by the owner thereof'.*

"Sir, clause 25 enables the proprietor or registered holder of any estate or Government land under survey, who incurs any expenses or from whom any expenses are recovered under this Act in respect of such survey, to acquire, if he be not the owner thereof, a charge on such estate or Government land to the extent of the expenses so incurred . . . I am speaking with reference to the very large number of *kanam* holdings in Malabar. In the majority of cases the *kanamdars* pay only a nominal rent to the landlord and though there are no specific provisions to the effect the undertaking is that all Government assessment cess and other public dues should be paid by them (*kanam tenants*). If the provision in this clause is allowed to remain as it is, it may mean that the *kanam* tenant can recover if they choose all such payments with interest from the *jennies* at the time of the termination of the demise. So it is likely to be prejudicial to the interests of the *jennies*. I believe there are such cases in other parts of the presidency also. I therefore request the House to pass my amendment."

Sri Meka V. APPARAO Bahadur:—"I second the amendment."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I am wholly in sympathy with the object of this amendment. But I am afraid that I do not fully appreciate the form in which it is worded. If the amendment is accepted, the clause will not convey the meaning which the hon. mover wishes it should. So if the hon. mover has no objection I should certainly like to add the words 'in the absence of a contract to the contrary' at the beginning of the clause itself."

Mr. K. PRABHAKARAN TAMPAN:—"I fear that if the wording proposed by the hon. the Revenue Member, viz., to add the words 'in the absence of a contract to the contrary' at the beginning of the clause is accepted, it would not make the position clear. But I have no objection to the addition if the hon. mover thinks that it will serve my purpose."

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Clause 25—cont.

The hon. the PRESIDENT:—"At present we cannot discuss the correctness or otherwise of an amendment which has not been moved. We are only discussing the amendment proposed by the hon. Member, Mr. Prabhakaran Tampam. Does the hon. Member propose to put his amendment to the vote?"

Mr. K. PRABHAKARAN TAMPAN:—"I do, Sir."

The amendment was put to the vote and declared lost.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"If you will allow me, Sir, I will be glad to carry out my promise so far as this clause is concerned. I propose that the words—

'in the absence of a contract to the contrary' be added in the beginning of sub-clause (i).'"

The hon. Sir K. SRINIVASA AYYANGAR:—"I second it, Sir. I may say that the contract may either be express or implied."

Mr. K. PRABHAKARAN TAMPAN:—"If I may do so, Sir, I would request the hon. mover to add those words 'express or implied' and the word 'custom' also."

The hon. Sir K. SRINIVASA AYYANGAR:—"We cannot bring in the word 'custom' now. The hon. Member has not done so even in his own amendment."

The amendment of the hon. the Revenue Member was put and carried.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, there is a consequential amendment to the amendment the House just now passed and that is to substitute small letter 'a' instead of capital 'A'. I move that this may be accepted."

The amendment was put and carried.

Clause 26.

Sub-clause (2).

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Mr. President, I move—

that in sub-clause (2) (d) before the word 'regulate' the words 'prescribed and' be inserted.

"This is necessary to enable the Government to prescribe the procedure of survey officers. Last time, I explained the reasons why some general rules should be prescribed."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—"I second it."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I accept the amendment."

The amendment was put to the House and carried.

Then the Preamble of the Bill was put and carried.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I beg to move that the Bill as amended be passed into law"

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Clause 26—cont.

Diwan Bahadur P. KESAVA PILLAI :—" I second it."

The motion was put and carried.

At this stage, 1 p.m., the House adjourned for lunch.

The Council re-assembled after lunch at 2-30 p.m.

IX

A BILL TO PROVIDE FOR THE REORGANIZATION OF THE MADRAS UNIVERSITY, 1922.

The hon. Rao Bahadur A. P. PATRO :—" Sir, I beg to move that ' the Bill to provide for the reorganization of the Madras University ' as amended by the Select Committee be taken into consideration."

Mr. R. G. GRIEVE :—" I beg to second the motion."

The motion was put and carried.

Clause 1.

Sub-clause (2).

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" Sir, I have given notice of two amendments in connexion with this clause, and the one is alternative to the other. The first amendment is :

9. *After the words ' on such date or dates ' insert ' after the 1st July 1928 ' ;*

The alternative amendment is :

If the above amendment be not carried, insert in the same place the words ' after the 1st July 1926 '.

On consultation with some of my friends, I thought that I had better not move the first amendment, namely, that which relates to the five years. I therefore wish to confine my observations to the second amendment, namely, that this Act shall come into force on such date or dates after the 1st July 1926. In this amendment I seek to give effect to the idea that is already found in sub-clause (2) of clause 1. The House will notice that the sub-clause as it stands recognizes the possibility of the Act not being brought into force immediately after it is passed into law and that some interval should elapse between the passing of this Act and the bringing into force of its provisions. Now, the effect of my amendment is that this interval shall be a statutory one leaving the discretion of the Government unhampered with respect to the other principles contemplated by this sub-clause.

" As the House is aware, there has been a great deal of controversy with respect to the need for this Bill being passed now and to the Act being in the form proposed by this Bill. It is also to be recognized that the system of reforms which is going to be introduced if the Bill becomes law is one which will require, as I believe the hon. the Minister for Education has already recognized, the outlay of large funds. We want a capable machinery to be brought into existence, and there is also the need that the affiliated colleges contemplated by this Bill should adjust themselves to the new conditions that will arise when this Bill becomes law. I think all these things must of necessity take some time. So far as the Madras University is concerned, it

30th January 1923] [Mr. L. A. Govindaraghava Ayyar]

Clause 1—cont.

cannot be said that the University is not doing its work properly and therefore for the purpose of ending an evil, a new legislation should be brought into existence at once so that the present evil may be remedied and a better state of things may be introduced. So far as the question of the residential or teaching University goes, I believe it was recognized that if it is possible to introduce such a system it is eminently desirable that it should be so done and it is because this House has recognized that it is so that leave was given for the introduction of this Bill and that it has also passed the Select Committee stage. But it has also to be recognized that when a University is brought into existence on the new model, it has to be enabled to discharge its duties in an adequate manner and to the full satisfaction of all concerned. I therefore submit that it must take some time to arrange the new conditions under which alone the new University can work, and what is more important than all, it will take some time for finding the funds. As I already said, the affiliated colleges have to some extent adjust themselves in the light of the new requirements of the Bill. In these circumstances the prescribing of a statutory interval will show them that they have some time allowed within which they can adjust themselves to the changed conditions of the University.

"The other point that I would like to emphasize is this: We show by passing this Bill into law what the ideal that we like to approximate to is and we put everybody that is concerned on notice that that goal shall have to be approximated to within an interval of time which, I submit, is not a very long one, and we shall be only carrying out the intentions of this Bill if effect is given to the amendment that I suggest. The Government will have enough time to provide the necessary funds for the new machinery and the University will have adequate time given to it for adjusting itself to the requirements of this Bill. Above all, the affiliated colleges may also know how exactly they have to improve themselves if they wish to become University centres.

"There is also one other matter which I may mention in this connexion, viz, the position of the intermediate colleges. It will be observed that the object of the University is to divest itself, sooner or later, of the control over the intermediate colleges or institutions which prepare candidates for entrance into the University. The time I am suggesting will enable the intermediate colleges to remodel themselves so as not to stand any longer in need of the control of the University and will also enable the Local Government to devise another machinery by which they or some other authority can make themselves sure that those who enter the University are persons who are eligible for it. For these reasons I strongly commend my amendment for the acceptance of the House."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I beg to second this amendment. It is quite clear from the Bill that sufficient time must elapse before the necessary steps are taken for the constitution of the various bodies which are to make the University and to bring them into working order. The period of three years suggested in this amendment is, I submit, a reasonable one taking into account all the discussions that took place regarding the question as to when the Bill should be brought into force. I

[Mr. A. S. Krishna Rao Pantulu] [30th January 1923]

Clause 1—cont.

should also point out that the acceptance of this amendment will also necessitate consequential amendments which will have to be considered. It is on the supposition that this Bill will be put into operation at an early date that provision was made in clause 46, clause 47 and some other clauses for the constitution, for the framing of the rules and for the bringing into existence of the various bodies which are to work side by side. But these are matters of detail which ought not to stand in the way of this amendment being accepted. For these reasons I heartily support this amendment."

The hon. Rao Bahadur A. P. PATRO :—" Sir, I beg to oppose this amendment. The clause, as it stands, was considered by this House; it was also well considered by the Select Committee; and it has come back from the Select Committee in the same form. I do not therefore see any good reason for the amendment which is now proposed.

2-45 p.m.

"The hon. the mover and the seconder of this amendment have not furnished any new ground for making the alteration. Secondly, it was said that affiliated colleges must adjust themselves and that this would take some time. If they understand the provisions of the Bill, the affiliated colleges stand in the same relation to the University as they have been till now and there will be no disturbance of their status or relationship to the University. I do not, therefore, see any reason assigned by the mover and the seconder for the amendment. This is only an objection that is naturally raised in all cases when a new Bill is brought for consideration before the House, and even if the Government of India Bill were to be brought again, the Opposition, I am sure, would say that a particular class of people have to adjust themselves to the altered circumstances and that therefore the Bill should be postponed or should be brought into effect some five or ten years after. Such objections we should think are unreasonable and absurd. Nothing sound has been put forward to say that this Bill should be postponed. I think that this is one of the ways in which Bills are sought to be consigned to the waste paper basket and I can only consider this motion as one of the obstructive tactics and nothing else. I therefore strongly oppose the motion."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I must say at the outset of a discussion of a most important measure affecting the reorganization of the University, I am sorry that my hon. friend should have taken the liberty of characterising this proposal as 'obstructive tactics' and as 'absurd' and that he should have used other, what I may call, unparliamentary expressions."

The hon. the PRESIDENT :—" Order, order. Charging one another as obstructive is not at all unparliamentary."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I am aware of it, Sir. If I considered it so unparliamentary as to need the intervention of the Chair, I would certainly have got up then and there. But I used the expression 'unparliamentary' in the broader sense of courtesy to each other in debates. I am sure my hon. friend was certainly unparliamentary in the broad sense of not showing consideration to any proposal which came from those who differed from him.

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Clause 1—cont.

“ Having said so much, by way of regret at the temper with which my hon. friend has received this proposal, I shall proceed to say a few words in support of the proposal. In the first place, we have contended, and we have very rightly contended, that the whole position of intermediate education is left unsolved and that this Bill proceeds on the assumption that this question has to be settled in the future. Therefore, the question arises as to what exactly is the position of the Intermediate colleges under the Bill. This question was raised in the Select Committee and my hon. friend said that this clause was considered in this House. I should like to know what he means. Perhaps what he meant to say was that this was not challenged clause by clause. My hon. friend will remember that this question of the position of the intermediate colleges was raised in the earlier part of the debate on this Bill and I still submit that one of the really intricate questions that arises in connexion with the Bill is that relating to the position of the intermediate colleges. What will be the position immediately after this Bill comes into operation? I find that my hon. friend went to Berhampur as reported in the newspapers and informed the college authorities there—I speak subject to correction—that they would have to reduce the intermediate colleges into high schools. If such an order is to be issued under this Bill, is it not necessary, I ask, that the authorities of the colleges should be given time either to reduce the colleges into high schools or to raise them to first-grade institutions.”

The hon. Rao Bahadur A. P. PATRO :—“ The hon. gentleman should have verified the statement before hazarding it. If the hon. Member is to make a responsible statement, I expect him to verify it before stating it in this responsible assembly.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“ The verification is to make the statement in the presence of the hon. the Minister and ask him whether he made it.”

The hon. Rao Bahadur A. P. PATRO :—“ Many untrue statements will be made and they should be verified.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“ I do not wish to pursue that matter. I told the hon. the Minister that I read in the newspapers a report of what he said at Berhampur and the hon. the Minister could have said whether that was correct or not. That is the only way of verifying the statement. I shall ask my hon. friend to apply the substance of that proposal to himself. Are we now, as soon as this Bill comes into force, to tell all these authorities to reduce the institutions to high schools or promote them to first-grade institutions? If this change with reference to many of the institutions is to take place, I should ask my hon. friend to consider whether that does not require some amount of notice to the educational authorities. After all, three years are not very long so as to justify the proposal being called obstructive tactics. It is a reasonable notice to these authorities of what they ought to do under the altered circumstances. My hon. friend then made some reference to the Government of India Act. I think the reference was rather irrelevant and I do not like to add more irrelevant references to it.”

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Clause 1—cont.

The hon. Rao Bahadur A. P. PATRO:—"Sir, is it parliamentary to use the expression 'irrelevant'?"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Certainly, it is parliamentary. I would submit myself to the ruling of the Chair."

The hon. the PRESIDENT:—"It is parliamentary to charge a member as being irrelevant. That is what I do on many occasions when rising to order."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I trust that the discussion on this Bill will proceed in a thoroughly businesslike manner and that my hon. friend will receive our criticisms in the light in which he ought to receive. I tell him with great respect and with great anxiety that all these colleges which will be affected by this measure are entitled to sufficient notice. If my hon. friend thinks that it is not necessary, I also take the liberty of telling him that he is wrong."

Diwan Bahadur M. KRISHNAN NAYAR:—"I wish to oppose this motion. With considerable respect to all my predecessors, I must say that a considerable amount of unnecessary heat has been imported into the discussion of this amendment and I shall say a few words on this motion, without importing any heat into it. My hon. friend, Mr. Govindaraghava Ayyar, evidently wants to put off the operation of this Bill after it becomes law. Evidently, he does not like that the Bill should be passed into law and as such the course he has adopted of moving for the postponement of the operation of the Bill is perfectly right. I submit, Sir, that this Council has already adopted the main principles of the Bill when it came for discussion before it was sent to the Select Committee. All that is now left to us is to adjust the details. Seeing that the Council is for the Bill as a whole, I think it is perfectly unnecessary to put off its operation to a period of more than three and a half years as is proposed in the amendment. The main argument that has been advanced by my hon. friends who are in favour of this amendment is that some time must be given to the colleges for adjusting themselves to the new situation. In one way or another this Bill has been before the public for several months and in any case there are provisions in this Bill which are called transitory provisions for meeting difficulties that may arise after the present Act governing the University ceases to operate and before the new one is brought into effect. During this transitory period, when these provisions will be operative these colleges will have enough time to adjust themselves to the new surroundings. I have been carefully following the arguments of my hon. friends, Krishna Rao and Govindaraghava Ayyar, and I am sorry to say that I have not at all been convinced by them. With these observations, I wish to associate myself with those who oppose the amendment."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Sir, I should like to say just a word or two about the points raised by Mr. Ramachandra Rao. He said that the position of the intermediate colleges had not been settled, and so it was too early to bring this Bill into operation. In clause 35 of the Bill it is said that admissions to the University will be made at the stage of the Intermediate Examination in Arts. So the position of the intermediate colleges is not affected at all. But I admit they may be said to be affected in this way. They are now under the University, and the question to be

30th January 1923] [Mr. T. A. Ramalinga Chettiyar]

Clause 1—cont.

decided hereafter will be whether they will continue under the University or under some other authority. Clause 36 says that it is only after a satisfactory controlling authority has been brought into existence that the control of the University will cease. So, Sir, I do not see what sort of objection can be raised with reference to second-grade colleges. I beg to submit that the argument that their future is not settled and that they are left in a state of speculation does not hold good. I believe I am right in saying that in Allahabad, the Intermediate Education Bill followed the University Bill and did not precede it. So the natural course for us also would be to make arrangements for the University organization and then to make arrangements for entrance into the University. The Intermediate Examination is considered as the entrance to the University. So I take it that there is an implied promise contained in clause 36 that a Bill will follow to make provision for intermediate education. So we need not entertain any apprehension regarding the future of the institutions.

“Then the only other thing will be whether the Bill itself is good or not. If it is a good one, I suppose we should not lose time in bringing it into force. We have in all conscience lost much time already and the complaint and the feeling everywhere has been that our University education is anything but satisfactory and ought to be brought up to the level prevailing elsewhere. If we pass the Bill and wait for two or three years we are losing valuable time and any advantage that we may expect from the Bill will to that extent be lost. So, Sir, it is only those who think that the Bill is not a good one that can support the amendment. I have no quarrel with such people, but I wish to say that if people really believe that this Bill is going to do some good they cannot but oppose the amendment before us.”

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—“Sir, I am not at all sorry that the hon. the Minister is not prepared to accept the amendment that I proposed. But what I really regret is that so early in the discussion of the Bill the hon. the Minister has exhibited more temper than sound argument. I shall reply to the arguments that the hon. the Minister has chosen to advance against my amendment.”

“If I understood him correctly—he may correct me if he pleases—there were two arguments that he advanced: one was that the reasons that I gave were absurd, because my asking for the postponement of the coming into operation of this Bill was similar to asking for the postponement of the Government of India Act being brought into operation; and secondly, that it was a piece of obstructionist tactics.

“Taking the first argument every one of us who believed in the Government of India Bill did consider that it was a long-delayed measure, that the country wanted it badly and none too soon, and therefore the opinion of every one who believed in the Reforms Scheme was that there ought to be no delay whatever in its introduction. I may, therefore, say, Sir, that there is no analogy between that Bill and the present one. If the hon. Member had chosen to follow my arguments, he would have found that one of the points that I begged to press upon the Council was this, that so far as the working of the present University is concerned it is considered to be efficient to the extent that is possible to-day. It is not therefore any crying evil that you

[Mr. L. A. Govindaraghava Ayyar]

[30th January 1923]

Clause 1—cont.

ask now to be remedied, but it is a better measure to be brought into force, and unless you are sure that the measure to be brought into force is in a position to do all the good that is expected of it, it would be unwise to bring that measure into force. The absurdity, therefore, Sir, lies not in asking the bringing into operation of this Bill to be postponed, but in thinking that there is any analogy between this Act and the Government of India Act.

“The next point that the hon. the Minister made was this, that it is a piece of obstructionist tactics. Well, I wish to examine that position a little closely. What does it mean? It means that the Bill will be on the Statute; only, it will come into force three years hence. That there is some good which the Bill is capable of bringing into effect and that that will be postponed for the period for which the operation of this Bill is proposed to be postponed are obvious. But how it is an obstructionist tactics I fail to see. It can only be in this way. Supposing my amendment is accepted, the particular Government to work it will not be this Government; but it will be another Government. My hon. friend may or may not be a Member of that Government. Unless it be that he has so little faith in the measure that if he is not here, it will not be possible to work it successfully, or unless it be that this measure is not likely to be worked properly in the next Government, I cannot at all understand, Sir, how it can be considered to be in the nature of obstructionist tactics.

“My hon. friend, Mr. Krishnan Nayar, said that I did not like the Bill and that I had therefore put in this motion. I am afraid my hon. friend has not done me justice. As a matter of fact I like the Bill and I will most enthusiastically welcome its introduction even now if I am only satisfied that the Government have enough funds at their disposal to give effect adequately to the various provisions of this Bill. It is because I feel, Sir, and I am sure I am not singular in that belief; even the hon. the Minister, I take it, will agree with me in that—it is because I feel that the Government is not capable of putting at the disposal of the University, or of the proper authorities, the necessary funds to enable them to work this measure successfully, I say that some interval of time should be given to help the Government to gather more funds and to give other institutions, which are now apprehending that they will suffer, enough time to adjust their own position so that they may not have to stand in need of Government support as they do at present.

“Then I was told, Sir, that there are transitory provisions which offer a sufficient safeguard against any harm being done to these institutions. But the House will find that so far as the transitory provisions go, they have really nothing to do with the points that I raised in my opening remarks. They merely refer to the bringing into existence of regulations and also to making some provisions with respect to students who are studying for the examinations. Therefore, I submit, Sir, that the transitory provisions are of no real help on the points that I suggested. But the House will recognize that the Bill even as it stands does contemplate some kind of interval taking place between the passing of this measure into law and the provisions of the Bill being brought into force. If that is the case, I fail to see why such a moderate limit as three years should not be considered to be acceptable for the purpose of fixing what that interval is.”

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Clause 1—cont.

The amendment was then put to the House and declared lost. On the motion of Diwan Bahadur L. A. Govindaraghava Ayyar a poll was taken with the following result:—

Ayes.

1. Diwan Bahadur M. Ramachandra Rao Pantulu.
2. „ L. A. Govindaraghava Ayyar.
3. Rao Bahadur A. S. Krishna Rao Pantulu.

4. Rai Bahadur T. M. Narasimhaachari.
5. Rao Sahib U. Rama Rao.
6. Mr. M. R. Seturathnam Ayyar.
7. „ R. Srinivasa Ayyar.
8. „ T. C. Srinivasa Ayyangar.
9. „ M. Suryanarayana.

Noes.

1. The hon. Sir Charles Todhunter.
2. „ Khan Bahadur Sir Muhammad Habib-ullah Sahib Bahadur.
3. „ the Raja of Panagal.
4. „ Rai Bahadur K. Venkatareddi Nayudu.
5. „ Rao Bahadur A. P. Patro.
6. Mr. C. P. Ramaswami Ayyar.
7. „ E. S. Lloyd.
8. The Rev. Dr. E. M. Macphail.
9. Mr. R. G. Grieve.
10. Rao Bahadur K. Ramunni Menon.
11. Mr. E. F. Thomas.
12. „ E. Periyaragalam.
13. Rao Sahib T. C. Tangavelu Pillai.
14. Mr. A. Ramaswami Mudaliyar.
15. Rao Bahadur T. A. Ramalinga Chettiyar.
16. Mr. S. T. Shanmukham Pillai.
17. „ K. Adinarayana Reddi.
18. S. R. Y. Ankinadu Prasad Bahadur.
19. Mr. M. Appalarasayya Nayudu.
20. „ R. Appaswami Nayudu.
21. Rao Bahadur V. Appaswami Vandyar.
22. Diwan Bahadur C. Arunachala Mudaliyar.
23. Rao Sahib S. Ellappa Chettiyar.
24. Diwan Bahadur Sir P. Iyagaraya Chettiyar.
25. Rao Bahadur T. Balaji Rao Nayudu.
26. Diwan Bahadur M. Krishnan Nayar.
27. Mr. C. Ramalinga Reddi.
28. Diwan Bahadur T. Sivagnanam Pillai.
29. Rao Bahadur O. Tanikachala Chettiyar.
30. Mr. W. Vijayaraghava Mudaliyar.
31. Rao Bahadur K. Gopalakrishnayya.
32. Mr. K. Gopala Menon.
33. „ J. Kuppuswami.
34. „ B. Muniswami Nayudu.
35. „ P. C. Muttu Chettiyar.
36. „ A. T. Muttukumaraswami Chettiyar.

37. Mr. K. Narayanaswami Reddi.
38. Rao Bahadur O. Natesa Mudaliyar.
39. Mr. V. P. Pakkiriswami Pillai.
40. „ C. Ponnuswami Nayudu.
41. „ P. T. Rajan.
42. Rao Bahadur A. Ramayya Punja.
43. Mr. W. P. A. Sundarapandiya Nadar.
44. „ R. K. Shanmukham Chettiyar.
45. „ K. Sitarama Reddi.
46. „ S. Somasundaram Pillai.
47. „ A. Subbarayudu.
48. „ P. Subbarayan.
49. Diwan Bahadur K. Suryanarayanamurti Nayudu.
50. Mr. A. Tangavelu Mayagar.
51. „ V. C. Vellingiri Goundar.
52. „ C. Venkata Ranga Reddi.
53. Diwan Bahadur P. Kesava Pillai.
54. Mr. P. Siva Rao.
55. Diwan Bahadur R. Venkataratnam Nayudu.
56. Mr. S. Muttumanikkachari.
57. The Rev. W. Meston.
58. Mr. S. Arpudasingami Udayar.
59. „ T. Arumainatha Pillai.
60. „ A. T. Palmer.
61. „ M. Ratnaswami.
62. „ A. Ranganatha Mudaliyar.
63. Sri Mekha V. Apparao Bahadur.
64. Mr. Abbas Ali Khan Bahadur.
65. „ A. D. M. Bavotti Sahib.
66. „ Saiyid Ibrahim Ravattar.
67. „ Ahmad Miran Sahib.
68. Muhammad Abdur Rahim Khan Sahib.
69. Munshi Muhammad Abdur Rahman Sahib.
70. Saiyid Diwan Abdur-Razaq Sahib.
71. Khan Bahadur Muhammad Sadulla Badsha Sahib.
72. Khan Bahadur Muhammad Usman Sahib.
73. Mr. R. T. Kesavalu Pillai.
74. „ C. Venkatarangayya.

The motion was lost, 9 voting for it and 74 against.

Clause 1 was then put and passed and added to the Bill.

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Clause 2.

Diwan Bahadur R. VENKATARATNAM NAYUDU :—" Mr. President,— Before I formally move the amendment standing against my name, which is to the following effect :—

10. (i) *Insert the following (the existing sub-clause (e)) as sub-clause (a) :—*

(a) ' *Limits of the University* ' means the territory within a radius of ten miles from Fort St. George.

(ii) *Re-letter the existing sub-clauses (a), (b), (c) & (d).*

I shall be thankful to you if you will be pleased to give me your opinion on one point, whether my moving this amendment will debar me, if the decision on it is adverse, from moving amendment No. 20 on the ground that the same matter has already been settled. I venture to think that it will not, because this relates only to the position of the clause, while the other relates to the subject-matter. But at the same time I should be thankful to have your ruling, Sir."

The hon. the PRESIDENT :—" I cannot give a ruling in advance. Each member must make up his own mind and take his chance.

3-15 p.m.

I am sure that the hon. Member is so careful that he is not likely to make a mistake. The chances are that he is right. I can really give no ruling now."

Diwan Bahadur R. VENKATARATNAM NAYUDU :—" I thank you, Sir, for the compliment, and I take it that the chances are that I shall have the chance. The reason for my amendment is this. If the hon. Members will be pleased to glance at definitions (a) and (b) in clause 2, they will see that those definitions contain the expression 'limits of the University'. Does not the expression anticipate the definition of the 'limits of the University'? I think, it will be a more logical and natural order that we should place sub-clause (e) at the head of the series of definitions and then introduce that expression in the subsequent definitions. In other words, the definitions (a) and (b) anticipate the definition that the limit of the University means the territory within a radius of ten miles. Though the heading of the amendment calls it a new sub-clause, it is not a new sub-clause. With this explanation, Sir, I beg to move the amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I second it."

The hon. Rao Bahadur A. P. PATRO :—" I agree with the mover that the place assigned to the definition of 'limits of the University' does not look so reasonable. But the Bill is likely to be different from what is likely to be quite reasonable. The definitions are arranged in alphabetical order for the purpose of convenient reference. This is how these definitions are arranged in other Acts also, and this has been done only in accordance with the practice in every other Act. Hence the definitions are in alphabetical order."

The amendment was by leave withdrawn.

The following amendments of Rao Bahadur A. S. Krishna Rao Pantulu were deemed to have been withdrawn as the hon. Member did not move them :—

11. *Omit the words 'or recognized'.*

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Clause 2—cont.

12. *Omit the words 'in accordance with the provisions of this Act in which instruction is provided under prescribed conditions'.*

Rao Sahib U. RAMA RAO :—" I move—

13. *Omit all the words occurring after the word 'conditions'.*

"In doing so, Sir, I beg to make this observation. A Constituent College, as it is stated here, should first provide instruction under prescribed conditions and, secondly, it should be situated within the limits of the University. I dare say there are at present several colleges in the mufassal which are well equipped. Such colleges must certainly be admitted into the portals of the University. They must be developed on up-to-date lines, so that when the time comes they may form nuclei of future universities—one for the Andhras, one for the Tamilians and one for the West Coast. When the time comes they must be selected and recognized as distinct Universities. This Bill cannot be considered to be wholesome and complete without such provisions made in it. With these few words, I propose the amendment."

Rai Bahadur T. M. NARASIMHACHARLU :—" I second it."

The hon. Rao Bahadur A. P. PATRO :—" Hon. Members will realize that one of the fundamental principles of this Bill is to form a Teaching University in the city of Madras and have the colleges within it as Constituent Colleges. If sub-clause (b) were to be amended as suggested, it would mean that colleges outside Madras should also be called Constituent Colleges. This is going against the fundamental principle of the Bill. I quite agree that there are colleges doing good work in the mufassal. But I say that the provisions of the Bill are only transitory, and there are provisions in it to develop such institutions so that, in course of time, they may become centres of the university and become Constituent Colleges of new universities. This amendment is opposed to the fundamental principle of the Bill."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I think the best way of dealing with this question would be to allow my friend to withdraw this motion and to allow the discussion as to whether the scope of the Bill should be extended as proposed by my hon. friend, Mr. Venkataratnam Nayudu, in amendment No. 17. That raises the question as to whether the University as defined here should be within the ten-mile limit and whether some attempt should not be made to include colleges outside as 'University Colleges'. Under these circumstances, I would request my friend not to press his amendment at this stage. The whole question would be discussed under the amendment of Mr. Venkataratnam."

The amendment was then by leave withdrawn.

The following amendments of Rao Bahadur A. S. Krishna Rao Pantulu were deemed to have been withdrawn as the hon. Member did not move them :—

14. *Omit the words 'which is'.*

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

15. *Add at the end the following :—*

'or recognized by the University in accordance with the provisions of this Act in which instruction is provided under prescribed conditions.'

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Clause 2—cont.

The following amendment of Rai Bahadur T. M. Narasimhaacharlu was deemed to have been withdrawn as the hon. Member did not move it :—

Rai Bahadur T. M. NARASIMHAACHARLU :—

16. *Add at the end the following :—*

‘ or, being situated within those limits, is declared and constituted by the Senate as a Constituent College.’

Diwan Bahadur R. Venkataratnam Nayudu was then called upon to move amendment No. 17.

Diwan Bahadur R. VENKATARATNAM NAYUDU :—“ Mr. President, after the information or explanation of the hon. Minister, I do not know if this amendment should come as clause (m) or (n). But if I am permitted to move it at this stage, I shall do so.”

The hon. the PRESIDENT :—“ You can move it. Amendments must be moved according to their order in the agenda paper.

Diwan Bahadur R. VENKATARATNAM NAYUDU :—“ I did not want to be told that it was not in proper order. So, I wanted to make myself clear. I beg to move this amendment, Sir :

17. (i) *Insert the following as sub-clause (c) :—*

‘ (c) “ *University College* ” means a college recognized by the University, under conditions prescribed therefor, for doing higher teaching and research work and promoting University life in such a manner as to prepare for the institution of a new University.’

(ii) *Re-letter the subsequent sub-clauses.*

Hon. Members, if they turned to the Preamble, would be pleased to observe that one of the objects of the Bill is to prepare for the institution of new Universities. How are we to do it? What are the measures to be adopted? What are the stages which this process of preparation has to go through? It would not be possible obviously to start a new University straight off at any particular time. Preparation will have to be made for it. Such a preparation I propose to suggest through a college which might, in view of this ultimate object, be named a ‘ University College’. In the definition, as I suggest, there is a distinct reference made to this object, namely, the preparation of new Universities. The qualifications necessary to get recognized as preparing for the institution of a new University I have also endeavoured to indicate : that is, doing higher teaching and research work and promoting University life. That such higher teaching and research work are being done and the promotion of University life is being promoted could not be claimed by self, but it should be recognized under certain conditions by the University. Ultimately therefore it rests with the University to state whether or not a certain college has satisfied the conditions pre-requisite to the institution of a new University. Unless such institutions are fostered, unless, as has been suggested, such seedlings are planted here and there in the country, it will not be possible eventually to get fully developed new Universities. That there is the need for new Universities is recognized on all hands. These new Universities alone can take away those disabilities of the mufassal colleges that are

30th January 1923] [Mr. R. Venkataratnam Nayudu]

Clause 2—cont.

going to be so heavily imposed by the present reorganization of the University. Secondly, Sir, in order expressly to re-assure other centres than the Madras City that Government and the University do contemplate the formation of the nuclei of universities and thus the institution of new universities from the very beginning, it is necessary, I venture to submit, that a definition like this one should be introduced in clause 2. As to any possible objections I shall try to express my views when the occasion arises for a reply. But I do believe that none of the so-called principles of the Bill will in the least be affected, and none of the objects of the University Bill will in the least be hindered by the introduction of this definition. On the other hand I am satisfied that its introduction will really supply an omission. It is, indeed, the recognition of one of the declared objects, as an essential feature, of this Bill. Sir, I beg leave to move this amendment."

Diwan Bahadur Sir T. DESIKA ACHARIYAR :—"I second this amendment, and, in doing so, I have to point out that it is one of the objects of this Bill that the Senate shall at the end of five years, after passing this Act, submit a report to the local Government on the condition of Affiliated Colleges and on the desirability or otherwise of establishing other universities outside the limits of the university. That object will be achieved, in a large measure, by offering means for colleges doing higher teaching and research work and promoting university life in such a manner as to prepare for the institution of new universities. Coming from Trichinopoly, which one of my hon. friends characterized as one of the disgruntled stations, I must point out that the feeling in the mufassal is very strong that the present University Bill will make mufassal colleges third rate or fourth rate colleges, and that the education imparted in these colleges will not be considered to be on a level with that imparted in presidency towns. With these words, I second the amendment."

Mr. C. RAMALINGA REDDI :—"Sir, this, I submit, is one of the most important amendments with which the House will have to deal, and I may briefly state the reasons why it should be utterly unacceptable to this House. One of the objects of the Bill, we all admit, is to produce a state of conditions or circumstances under which it will be possible for more universities to be developed in the mufassal. The only point is whether you are going to gain this object by means of this definition and any consequential provisions which will have to be made. I entirely agree with my hon. friend Sir Desika Achariyar when he reads out that it will be one of the functions of the Senate to report at the end of five years from the passing of this Bill :

On the condition of Affiliated Colleges and on the desirability or otherwise of establishing other universities outside the limits of the university.

Deliberately the function of choosing such centres has been left in the hands of the Government. I consider the Government to be the only proper authority for that purpose. If we now accept this definition what will be the consequence? We shall be investing in the existing University powers for forming other universities.

University College means a college recognized by the University.

Therefore, the initiative in this matter would rest with the University and the University will be able to say which college is going to develop as

[Mr. C. Ramalinga Reddi]

[30th January 1923]

Clause 2—cont.

the centre of another university. It seems to me that this is taking away a very important power of the Government and vesting it in a body which, as I shall presently show, is not fit to be entrusted with that power.

Promoting university life in such a manner as to prepare for the institution of a new University.

The language is very ambiguous. Is it the intention of this definition that the particular college recognized should be the University of the future? If so, you will be inflicting a great deal of hardship and injustice on other colleges which may be in the same locality. I wish to draw the attention of this Council to this important difference between a University College and a University Centre. We have to develop centres like Trichinopoly into universities not merely by recognizing a single college thereof as the one which ought to become a university, but by recognizing all the colleges there as Constituent Colleges of future universities and affording facilities for higher instruction and research. Let us not be misled that by approving this amendment we shall be realizing this object. If this amendment is carried, other colleges will put their applications and exert their influence for being recognized as University Colleges. It will amount to an injustice to the other colleges in the same locality.

"Again, the amendment if accepted will result in the far more serious consequence of the Government being precluded from organizing facilities independently of the existing colleges. A mufassal university does not mean an existing mufassal college which should be developed into an university. It might mean a mufassal centre in which other changes might take place. Then, Sir, there is the question of grants. This is a matter of vast importance. Is this power going to be taken by the University? Already members from the mufassal consider that this is going to be the enemy of the mufassal colleges and mufassal aspirations. In one breath they distrust the Madras University and in the other breath they ask it to take the initiative in developing mufassal colleges into universities. Viewed from any point of view, I believe that this definition and the whole of the machinery which underlies it is unfit to realize our object. The present provision says that the Senate shall at the end of five years from the passing of this Act report to the Government as to what institutions or localities should be chosen or selected for the foundation of new universities. We are not concerned here with the developing of a single college into a university. We are more concerned with centres or localities rather than single colleges and after that Government will take action and give the necessary financial assistance. For all these reasons, I feel that this amendment cannot be accepted."

Mr. P. SIVA RAO :—"Mr. President, Sir, I strongly support this amendment. My reasons are very simple. In the Preamble it is stated as one of the objects of this Bill

that it is desirable by the concentration and co-ordination of resources for higher teaching and research at suitable centres outside the limits of the University to prepare for the institution of new universities!

I take it, Sir, that the amendment now before the House will be in consonance with the object that is in the Preamble. I fail to note, Sir, how else it is possible to carry out this object unless from the beginning we recognize

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[Mr. P. Siva Rao]

Clause 2—cont.

certain colleges as University Colleges, colleges which should develop higher training and research and be earmarked as University Colleges—as deserving special attention at the hands of the University. Now, this proposal is not new. It does not emanate from my hon. friend Mr. Venkataratnam Nayudu. It is one of the proposals made by the Calcutta University Commission itself. It is stated there :

In order to encourage the growth of colleges which may be capable of becoming potential universities, such colleges should, on fulfilling certain definite conditions, receive the rank of University Colleges,

and so on. It is also provided that additional funds may be necessary in the case of such colleges.”

Mr. C. RAMALINGA REDDI :—“ I request my friend to note whether that power of recognition is vested in the University or in the Government. Here the word ‘recognized’ is used and ‘recognized’ means recognized by the Senate or the University.”

Mr. P. SIVA RAO :—“ I may say, Sir, that the power of recognizing as a University College rests with the University and the power of converting it into a university rests with the Government. I do not think it is open for one university to recommend the formation of another university. All that it can say is that a certain college is in a certain unique position and it deserves to be ranked as a University College and that it is likely to become a potential centre for a future university ; but the final stage rests with the Government. Then my friend, Mr. Ramalinga Reddi, said that the amendment seeks to transfer the power from the Government to the Senate. I do not think that by passing this amendment we shall be transferring the privilege or the monopoly from the Government to the Senate or the University. It should be open to the framers of this Bill to mark certain colleges as deserving of special treatment from the beginning, so that they may become potential centres of future universities. With these remarks, I heartily support the amendment.”

Rev. Dr. E. M. MACPHAIL :—“ Mr. President, Sir, Mr. Siva Rao has referred to the Calcutta University Commission’s Report ; and I am afraid that in this discussion and in the discussions that have gone before, Members have been influenced in their interpretation of this Bill by dim recollections of that report. It will be remembered by those who have read the report that the Calcutta University Commission divided the colleges of Calcutta city into two classes according to merit, and recommended that certain of those colleges which were found to be good should be called Constituent Colleges and certain others which were bad should remain for the time being as Affiliated Colleges until their future was decided. Now, in this Bill there is not a single attempt made to discriminate between the quality of colleges. It has been suggested that we ought to have done that. I think that the framers of this Bill were extremely wise in not attempting to do anything of the kind. It is far better, it seems to me, to carry out the distinct principle which has been already enunciated. We are going to attempt to establish local universities. I quite wish, as I have already stated to the hon. Minister in charge, that in the Preamble of the Bill that fact had

[Rev. Dr. E. M. Macphail]

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Clause 2—cont.

been put first and foremost—that the object of the Bill was to establish local universities throughout the Madras Presidency and that those local universities should take the place of the University of Madras which has been doing good work but which has become somewhat unwieldy. It is because the Bill attempts to do that that I am supporting it. I should deprecate entirely the idea of this Bill drawing any distinction between colleges and saying that some are good and some are bad. Now, the Member who is proposing this amendment is bringing in a new element altogether. He wants that we should stigmatize certain colleges by putting them into a class different from others. If we had divided the Madras colleges into those which are constituent and those which are not worthy to be constituent, there might be some excuse for this. But I consider that we should be acting unwisely and should be imposing an extremely invidious task upon the Senate of the new university by asking them to decide which colleges are to be treated as University Colleges and which not.

“All through Dr. Rama Rao's speech, there has been the idea that
3-45 p.m. ‘constituent colleges’ confers a higher grade upon certain colleges, that it marks with approval the work that they have done and that ‘Affiliated Colleges’ marks with disapproval the work that these have done. That is altogether a mistake. There has been no attempt at anything of the kind. With regard to Mr. Siva Rao's observation about the proposal that there should be University Colleges, if he has read that report carefully through, he will remember that one thing which runs through the whole of the Calcutta University Report with regard to the mufassal colleges is that they are second rate, that they are not fit to compete with the Calcutta colleges, that they are in an inferior position and therefore require inferior examinations. Now, Sir, I do not think that is true of Madras colleges. I have visited practically every college in the Presidency more than once and I maintain that our mufassal colleges are doing extremely good work and that some of them are doing just as good work as any college in Madras. Therefore I say we are not in the same position as Calcutta where colleges have to be worked up by encouraging them with honorary designations.

“There is only one other remark that I wish to make before I sit down, that is, that I deprecate altogether the idea, as Mr. Ramalinga Reddi has done, that we should seek to develop unitary universities in the mufassal, in Madura, Trichinopoly or Malabar. Whatever centre may be chosen, my desire is to see universities established which shall be like the university of Madras containing different colleges, not of the unitary type, but containing different colleges some of which will be working for Honours and some others working for the ordinary Pass Degree. I think therefore it would be a mistake if we at this stage were to commit ourselves, as we practically should be doing, to saying that some colleges are not worthy of being treated as parts of the University.”

Rao Bahadur C. V. S. NARASIMHA RAJU :—“If I understand the hon. Member for the University correctly, his position is that it is the function of the Government to select the University Centre in the mufassal and such a

30th January 1923] [Mr. C. V. S. Narasimha Raju]

Clause 2—cont.

function shall not be delegated to the Senate or Syndicate. I respectfully draw his attention to clause 27, sub-clause (f). It is printed in bold type and it runs thus :

“... in consultation with the colleges concerned to prepare and lay before the Syndicate plans for the concentration and co-ordination of resources for higher teaching and research and for the promotion of university life at suitable centres . . .

Here, the selection of the centre is given not to the Senate but to the Syndicate. The recommendations should go from the Affiliated Colleges to the Syndicate, and the Syndicate will then correspond with the Government as to the future line of action. So there is no harm if we accept this amendment of Mr. Venkataratnam Nayudu.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“I am sorry I am not able to follow Dr. Macphail in the argument that he has advanced against this amendment. It is said that we should not differentiate between one college and another in the mufassal, that they should all be on one level and that we are to divide them according to localities. The whole frame of the Bill is this. We are beginning with a university here and in future we are to have universities in selected places. How are you going to select these centres unless you find out whether education in a particular locality or centre is efficient or not? It may be that you have indifferent first-grade colleges in a certain place and very good institutions in another. Unless you recognize the fact that one institution is better than another and concentrate attention on the good one, how can you attain the standard of a university? It will be absolutely impossible. The very frame of the Bill recognizes our constant attention being paid to certain localities to develop the institutions there. Otherwise it will be impossible to have these local universities in the near future. So, Sir, I am unable to follow the reasoning of Dr. Macphail. His argument will only mean leaving everything alone, with the inevitable result that you won't be able to bring about any university in future. Unless certain centres are developed, unless the institutions in these centres are made efficient, I do not see, Sir, how you can in future bring into existence any new university.

“With regard to the present motion, I have one difficulty. Take, for instance, a place like Trichinopoly. If you are going to have a University College recognized there, what will become of other institutions? Close by Trichinopoly, we have Chidambaram and Madura. If you are going to have one college in Trichinopoly and develop it into a university, I am certain that it will not be possible to develop a university at Madura or Chidambaram. My idea of future local universities is that you should club together two or three places like Trichinopoly and Madura and have one university for these places. It will not do either to starve out Madura or to recognize only one institution, even in a place like Trichinopoly, and let others go to rack and ruin. So far as the conditions in our Presidency are concerned, the only line of policy will be not to concentrate attention on one particular institution but on one particular locality. The locality may cover an area of even 100 miles. It does not matter. You must concentrate your attention on that particular locality so as to make the institutions there efficient, with a view to the constitution of a university in that locality. That seems to be the only course of development in our country. So, it

[Mr. T. A. Ramalinga Chettiyar] [30th January 1923]

Clause 2—cont.

seems to me that the definition that is proposed by my revered friend, Mr. Venkataratnam Nayudu, does not go far enough. It only proposes to recognize particular institutions. As I said, the inevitable result of that will be that other institutions in that very centre may have to suffer, and our constitution of a new university will also suffer. So, I ask whether it will not be better to introduce another definition which will take in all the institutions of a particular locality. That will be very good. I would earnestly request him to consider that matter, and if he does, I shall be very glad to support an amendment like that; for it is absolutely necessary that we should concentrate attention on particular localities so that we may have centres like Madras."

Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, merely as a matter of drafting let me point out to the House that assuming that this definition of a University College is accepted, I do not find from a review of the motions tabled by my hon. friend, Mr. Venkataratnam Nayudu, that there is anything in the structural portions of the Bill itself which will carry out the idea sought to be suggested by this motion. I take it that the result of carrying this amendment will be to have three classes of institutions instead of two, viz., Constituent Colleges, University Colleges and Affiliated colleges. The mode of developing all these University Colleges, whether they ought to be in line with the Constituent Colleges or the Affiliated Colleges and in what manner they should function, is not set forth in the Bill itself. That is a matter which I felt it my duty to bring to the notice of the House."

Diwan Bahadur R. VENKATARATNAM NAYUDU :—"I am sorry I am not able to lay my finger on any particular amendments. However, there are some amendments notified by me, indicating in one place that the Academic Council and in another place that the Council of Affiliated Colleges, will be empowered to lay down the conditions."

Mr. C. P. RAMASWAMI AYYAR :—"What I was saying was not that my hon. friend has not indicated certain further functions as appurtenant to the colleges, but the way in which they are to carry out the instructions is not indicated in the Bill nor are the ideals clearly defined in the Bill."

Mr. A. T. PALMER :—"Mr. President, Sir, with all due deference to the hon. Member who moved this amendment and other hon. Members who may move similar amendments, may I venture to place before them just a few points? May I say that the reorganization of the university consists chiefly in making the university a teaching and residential university in the strict sense of the two words. At least, that is the aim regarding which, I believe there are no two opinions, as far as I can see. If this is the aim, there is no meaning in trying to make the university comprise a whole area many times larger than the British Isles. Therefore, the ten-mile limit is about the most that can be provided for realising the ideal. Secondly, the affiliating function of the Madras University, with all its ugly features, is only a temporary one. By strenuous effort and concentration of resources, we should try to establish other universities in other centres. In my opinion, the time has come for the starting of other universities. In the meanwhile, the Madras University is forced, as it were, to perform these functions of affiliation, and I have no

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[Mr. A. T. Palmer]

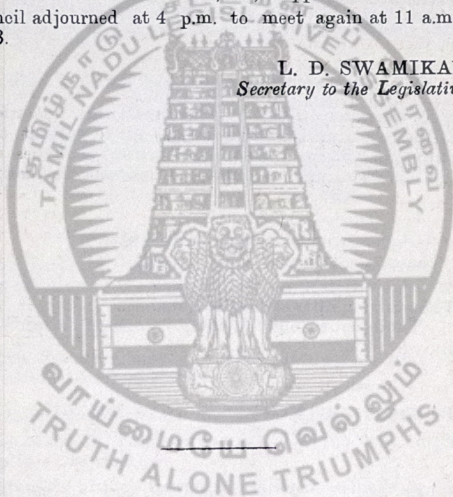
Clause 2—cont.

doubt it will do it with a liberal spirit trying to overcome all temptations towards step-motherly treatment of the mufassal colleges. It ought for example to send University Professors to lecture in mufassal colleges. It may also induce mufassal students to come to Madras to attend lectures, if it is feasible. The third thing that has to be borne in mind is that in a Bill for the reorganization of a particular university, there is absolutely no use of including clauses that foreshadow the starting of future universities. I say there is no use. This clause may be introduced, but it will not serve the purpose of founding a new university, which does not lie with the University but with the Government. Therefore, Sir, I oppose this amendment."

This Council adjourned at 4 p.m. to meet again at 11 a.m. on the 31st January 1923.

L. D. SWAMIKANNU,

Secretary to the Legislative Council.



TAMILNADU LEGISLATIVE ASSEMBLY

[1961]

சென்னை-2 மார்ச் 1961

